



**New South Wales**

# **Legislative Council**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Eighth Parliament  
First Session**

**Wednesday 7 February 2024**

Authorised by the Parliament of New South Wales



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# LEGISLATIVE COUNCIL

**Wednesday 7 February 2024**

**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.

## *Bills*

### **INSTITUTIONS LEGISLATION AMENDMENT BILL 2023**

### **SHERIFF AND COURT SECURITY AMENDMENT BILL 2023**

#### **First Reading**

**Bills received from the Legislative Assembly.**

**Leave granted for procedural matters to be dealt with on one motion without formality.**

**The Hon. PENNY SHARPE:** On behalf of the Hon. Daniel Mookhey: I move:

That the bills be read a first time and published, standing orders be suspended according to sessional order for remaining stages and the second readings of the bills be set down as orders of the day for the next sitting day.

**Motion agreed to.**

**The Hon. PENNY SHARPE:** According to standing order, I table the statements of public interest with respect to the bills.

**Statements of public interest tabled.**

## *Documents*

### **PALLIATIVE CARE FUNDING**

#### **Tabling of Report of Independent Legal Arbiter**

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

- (1) That the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, KC, dated 25 January 2024, together with submissions, on the disputed claim of privilege regarding a palliative care funding commitment, be laid upon the table by the Clerk.
- (2) That, on tabling, the report and submissions are authorised to be published.

**Motion agreed to.**

### **TRANSPORT FOR NSW TRANSITION OFFICE AND COORDINATOR GENERAL**

#### **Tabling of Report of Independent Legal Arbiter**

**The Hon. SCOTT FARLOW:** On behalf of the Hon. Natalie Ward: I move:

- (1) That the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, KC, dated 25 January 2024, on the disputed claim of privilege regarding the Transition Office and Coordinator General, Transport for NSW, be laid upon the table by the Clerk.
- (2) That, on tabling, the report is authorised to be published.

**Motion agreed to.**

## *Motions*

### **THE HON. DR BRIAN PEZZUTTI, AM, CSC, RFD**

**The Hon. SCOTT FARLOW (10:04):** On behalf of the Hon. Natalie Ward: I move:

- (1) That this House notes:
  - (a) the service of the Hon. Dr Brian Pezzutti, AM, CSC, RFD, to the Parliament of New South Wales as a member of the Legislative Council from 1988 to 2003;
  - (b) his outstanding dedication to serving his community as both a member of Parliament and a medical practitioner;

- (c) Dr Pezzutti's extensive work in the health sector as a specialist anaesthetist of over 40 years, and service as both director and chair to the Northern NSW Local Health District Board from 1997 to 2021;
  - (d) Dr Pezzutti's contribution to the Australian Defence Force as a decorated member of the Australian Army Reserve and Brigadier Assistant Surgeon General of the Defence Force from 2000 to 2004; and
  - (e) the numerous contributions of Dr Pezzutti overseas in the Army Reserve, namely in Rwanda in 1995 as part of the Australian contingent, to the International Force East Timor in East Timor in 1998, the War on Terror in Iraq in 2005, the Combined Australian Surgical Team to Aceh in 2004 to 2005 and his award of the Conspicuous Service Cross.
- (2) That this House congratulates the Hon. Dr Brian Pezzutti, AM, CSC, RFD, on being appointed a Member of the Order of Australia in the Australia Day Honours 2024.

**Motion agreed to.**

### **MR VIC ALHADEFF, OAM**

**The Hon. SCOTT FARLOW (10:04):** On behalf of the Hon. Natalie Ward: I move:

- (1) That this House notes:
- (a) the important and tireless work of Mr Vic Alhadeff, OAM, in advocating for the interests of the Jewish community as Chief Executive Officer of the NSW Jewish Board of Deputies from 2004 to 2021;
  - (b) his outstanding service to the Australian community through his work, advocating for human rights, respect for diversity and combatting discrimination;
  - (c) his positive impact on faith based, community and educational institutions;
  - (d) Mr Alhadeff's assistance with TAFE NSW on the implementation of the landmark 10-point protocol to combat racism and bullying;
  - (e) Mr Alhadeff's important work as CEO of the Keep NSW Safe campaign to strengthen laws against hate speech and incitement to violence in New South Wales; and
  - (f) Mr Alhadeff's continuing service to the media as Non-executive Director of the Special Broadcasting Service [SBS] and editor with the Australian Jewish News.
- (2) That this House congratulates Mr Vic Alhadeff, OAM, on his recognition being awarded the Medal of the Order of Australia as part of the Australia Day Honours 2024.

**Motion agreed to.**

### **COPTIC LITURGY FOR THE FEAST OF THE NATIVITY**

**The Hon. SCOTT FARLOW (10:05):** On behalf of the Hon. Natalie Ward: I move:

- (1) That this House notes that:
- (a) on Saturday 6 January 2024 the Coptic Orthodox Diocese of Sydney and Affiliated Regions hosted a liturgy for the Feast of the Nativity at the St Mary and St Mina Coptic Orthodox Cathedral in Bexley;
  - (b) the liturgy was celebrated by His Grace Bishop Daniel, Bishop of the Coptic Orthodox Diocese of Sydney and Affiliated Regions; and
  - (c) the liturgy was attended by distinguished guests and congregants including:
    - (i) His Excellency Mohamed Khalil, Consul General of Egypt in Sydney;
    - (ii) the Hon. Natalie Ward, MLC;
    - (iii) the Hon. Mark Buttigieg, MLC;
    - (iv) Father Joshua Tadros, Papal Legate;
    - (v) Parish Fathers;
    - (vi) Councillor Paul Sedrak; and
    - (vii) Mr Elie Azzi, SBS News.
- (2) That this House congratulates the Coptic Orthodox Church Diocese of Sydney and Affiliated Regions on the Feast of the Nativity Christmas Eve liturgy and its contribution to the New South Wales community.

**Motion agreed to.**

### **COMMUNITY HARMONY FESTIVAL**

**The Hon. MARK BUTTIGIEG (10:05):** I move:

- (1) That this House notes that:

- (a) on 4 November 2023 the Armenian Community Welfare Centre held the Community Harmony Festival at Chatswood Civic Pavilion, which the Hon. Mark Buttigieg, MLC, was honoured to attend and make a speech representing the Minister for Multiculturalism, the Hon. Stephen Kamper, MP;
  - (b) the Community Harmony Festival celebrated diversity and facilitated cultural exchange, with engaging performances from a number of local multicultural groups;
  - (c) guests at the event included:
    - (i) His Eminence Archbishop Haigazoun Najarian, President of the Armenian Community Welfare Centre and Primate of the Diocese of the Armenian Church of Australia and New Zealand, who also hosted the event;
    - (ii) Mr Tim James, MP;
    - (iii) Councillor Tanya Taylor, Mayor of Willoughby City Council; and
    - (iv) Councillor Sarkis Yedelian, OAM, Mayor of the City of Ryde.
  - (d) the Community Harmony Festival was supported by a grant from Multicultural NSW.
- (2) That this House congratulates the Armenian Community Welfare Centre on conducting such a wonderful event celebrating and bringing together the diverse communities of Chatswood and, in turn, fostering a more harmonious society.

**Motion agreed to.**

**PASIFIKA EMPOWERED**

**The Hon. MARK BUTTIGIEG (10:06):** I move:

- (1) That this House notes that:
- (a) on 7 October 2023 Pasifika Empowered 2023, a community event for climate justice and cost of living, was held with the Hon. Chris Bowen, MP, Federal Minister for Climate Change and Energy;
  - (b) the Hon. Mark Buttigieg, MLC, was honoured to attend representing the Minister for Multiculturalism, the Hon. Stephen Kamper, MP, along with the Hon. Penny Sharpe, MLC, Minister for Climate Change, Minister for Energy, and Minister for the Environment;
  - (c) the event provided an opportunity for the Uniting Church's Pasifika community to hear from Chris Bowen, MP, about cost-of-living measures and climate change, as well as to ask him questions;
  - (d) Pasifika Empowered 2023 occurred close to Fiji Day and was a celebration of all Pasifika cultures, with fantastic musical performances, including one by the Fiji National Conference Choir; and
  - (e) the event also offered a chance to discuss the Government's work to address cost of living and climate change.
- (2) That this House congratulates the Uniting Church on organising such a significant event connecting government with the church's Pasifika community.

**Motion agreed to.**

**UNIVERSITY OF NEW ENGLAND SEVENTIETH ANNIVERSARY**

**The Hon. AILEEN MacDONALD (10:06):** I move:

- (1) That this House affirms its support for the University of New England as the first Regional University in Australia.
- (2) That this House notes that:
- (a) on 1 February 2024 the University of New England celebrated its seventieth anniversary;
  - (b) the University of New England was established on 1 February 1954; and
  - (c) the University of New England became the first regional university in Australia after having been a college of the University of Sydney.
- (3) That this House notes that:
- (a) the platinum jubilee commemorates the ongoing influence of first vice-chancellor, Robert Madgwick, and first chancellor, Sir Earle Page;
  - (b) the University of New England is set on 74 hectares featuring the original homestead and combines heritage with modern academic, sporting recreational and accommodation facilities; and
  - (c) the event gives rise to another 70 years of prosperous academic and community service.
- (4) That this House calls on the Government to acknowledge and support the University of New England, a bastion of northern New South Wales.

**Motion agreed to.**

*Documents***UNPROCLAIMED LEGISLATION**

**The Hon. PENNY SHARPE:** According to standing order, I table a list detailing all legislation unproclaimed 90 calendar days after assent as at 6 February 2024.

**PALLIATIVE CARE FUNDING****Report of Independent Legal Arbiter**

**The CLERK:** According to the resolution of the House this day, I table the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, KC, dated 25 January 2024, on the disputed claim of privilege on documents relating to a palliative care funding commitment.

**TRANSPORT FOR NSW TRANSITION OFFICE AND COORDINATOR GENERAL****Report of Independent Legal Arbiter**

**The CLERK:** According to the resolution of the House this day, I table the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, KC, dated 25 January 2024, on the disputed claim of privilege on a document relating to the Transition Office and Coordinator General, Transport for NSW.

*Motions***LEADER OF THE GOVERNMENT****Censure**

**The Hon. WES FANG (10:14):** I move:

- (1) That this House notes the Government has:
  - (a) failed to be accountable and transparent through Legislative Council processes, including but not limited to multiple Government Ministers and Parliamentary Secretaries refusing to appear at its committee and budget estimates hearings;
  - (b) failed to comply with motions of the House for the provision of documents under Standing Order 52;
  - (c) abused the process under Standing Order 52 by making consistently erroneous claims of privilege to frustrate the work of the House; and
  - (d) failed to provide adequate answers to questions on notice, asked both in the House and in committee hearings.
- (2) That this House calls on the Government to comply with the longstanding procedures and conventions of the New South Wales Legislative Council so that the House can properly undertake its role as a house of review.
- (3) That this House accordingly censures the Leader of the Government, as the representative of the Government in this House, for the Government's failure to be accountable to this House.

The role of the Legislative Council is to critique, to oversee and to put a handbrake on the Executive Government. The role of the Legislative Council is also to scrutinise whether decisions made on behalf of the people of the State are in the public interest. We cannot do that without information, and there are very strict rules around the way information is provided. Indeed, there have been many instances of sensitive information asked for that no government ever wants released.

When I sat on the other side of the Chamber, we argued against orders for the production of papers under Standing Order 52. I understand what compels members to seek documents; I also understand the motives of governments in that regard. Standing Order 52 is powerful and is used judiciously by members. The Opposition does not have the numbers in this Chamber, and it is only with the majority of members that motions such as the one before the House are passed. Those are not my words. Those are the words of the Leader of the Government in this House in 2018 when contributing to debate on a censure motion.

I bring this censure motion to the House in part to ensure that Government members start to honour the commitments that they made prior to the election, the commitments that they have made in this House and the commitments that they make when orders of this House are passed. The Minns Labor Government has so far employed just about every weasel word and slippery two-faced trick in the Sussex Street book issued to them to avoid scrutiny and dodge accountability.

Before I come to the substantive issue that I have with the Government and the way it deals with transparency, I mention what I am sure members and the world would agree is a cinema classic: *8 Mile*. Like when B-Rabbit faced Papa Doc—and I note we have Lyckety-Splyt, Lotto, Lawrence of Arabia and Murphy's Law sitting opposite, all the DJs—the whole Free World crew is here to defend the Minister. We know that what we will see from the Minister is the same attack on me that she provided in the committee hearing a couple of

days ago and the same attack on this Opposition that members opposite always use. She will say, "You did this in government." The Minister said that opposition is tough. I admitted that opposition is tough, but I quite enjoy it. I will keep saying that to the Minister every time she says it to me. She also said that I will never be a Minister. Certainly, I have never claimed that I want to be a Minister. I just want to hold this Government to account.

I bring this motion because the return of papers under the Standing Order 52 motion by the Hon. Emma Hurst led me to ask a number of questions about the way that this Government is handling those issues and the way that Ministers handle accountability and transparency. I am sure the Hon. Emma Hurst will comment on that later. The documents returned in relation to the brumbies were returned late, but that is not the issue that I have. The Minister's chief of staff said that there were no documents in their office. During the hearing I asked why there was an agreement for the submissions to increase from 11 September to 15 September, and I asked the Minister if she was asked about this. She said she would have agreed to it. The interesting thing is that the chief of staff signed that there were no documents to be returned.

One of a few things has happened. Either there are no documents and this was done verbally, the documents were deleted or shredded, or the office was not complying with the order. Either way, there is a real accountability and credibility issue with this Government. It is clear from the way that it is handling transparency. I call on the House to support the motion.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (10:19):** That was an interesting contribution from the Hon. Wes Fang. Quite seriously, I am surprised that the Opposition allowed him to move this motion. He started off quite well. The words that he quoted back at me, which I realised were my own, were exactly about the importance of censure motions and why they should be taken seriously. I note that there were five occasions in the previous Parliament when leaders of the government were censured over issues to do with the Western Harbour Tunnel and Beaches Link and the Stronger Country Communities Fund. The Premier's office shredded all the documents on that fund. Government leaders were also censured for getting information on particular projects. Long processes led up to those censure motions. We did not just dump a censure motion on the Leader of the House without pursuing everything in the arsenal and all the tools in the toolkit under the standing orders to make those motions happen.

I make the point that this side of the House genuinely takes seriously all of our obligations when it comes to producing materials ordered by the House. We have introduced a new protocol, and so far we have been able to follow that in 10 instances. Yes, it is the case that some of the documents have been late, particularly from our agencies. As the member well knows, I fronted up and apologised to the committee for that because we take it seriously and we are working on improving that. Having said that, a whole lot of standing orders sit behind this. This censure motion does not follow any of the standing orders to actually get the answers that the Hon. Wes Fang wants. Standing orders for the way Ministers and Parliamentary Secretaries can or cannot attend committees have been followed, and just because the member does not like the outcome, he cannot talk about abuses of processes under Standing Order 52. The Hon. Damien Tudehope should know that better than most. Privilege in this Chamber is one of the most important things that we must protect, and it allows us to make decisions. Any challenge to privilege is up to every single member, and it also protects the public interest from the Government side.

It is simply wrong to suggest any abuse of process. We are following the process as set out by the Cabinet Office and as set out by the long-held conventions of this House. Members have the ability to challenge the privilege. We have gone through the legal arbiter, who determines that, and then it is provided. This idea and accusation that there is some sort of undermining of that demeans the House because every government has protected it carefully and judicially and the House has put in place the processes to protect it. None of those processes have been dealt with here. The Hon. Wes Fang is just annoyed because he could not follow the process and did not understand it. I seek an extension of time of two minutes.

**Leave granted.**

**The Hon. PENNY SHARPE:** Standing Order 52 (6) provides for when a document is considered to be privileged and how to work through that. I suggest that the Hon. Wes Fang reads the standing orders and learns how they work. In terms of privilege disputes, out of the 26 orders for papers in this House since the commencement of this Parliament, so far only four have claims of privilege. Members will find that, by all accounts, the system is working as it is supposed to work. It is not an abuse of process to deal with that. In relation to the questions on notice that the member is so upset about, again, I refer him to Standing Order 68. If the Minister has not provided an answer to a question within the time frame or has provided an answer the member does not like, they can pursue that with the Minister and raise it in the House. The Hon. Wes Fang has chosen not to do that.

I make the point that the Government takes the role of this House seriously. The deputy leader and I have spent a lot of time working with our agencies and the new Ministers to get them to improve the way they deal with this. I hope crossbench members understand that we have been doing much more active briefing than has occurred in the past, and we have been providing documents where we absolutely can. Is it perfect? No. Can it improve? Yes. Are we determined to have a good, open and fair relationship with all members of this House across all of our responsibilities and privilege? Absolutely. The last point I make is to quote the Hon. Wes Fang. He stated:

I would contend that is an abuse of this House; it is an abuse of power. I do not think that was the intent of Standing Order 52. Those opposite should make a genuine attempt to try to source these documents through every other means possible before moving a motion under Standing Order 52.

I leave the last word with the Hon. Trevor Khan. He stated:

I am finally forced to the table. What has been repeatedly said tonight is rubbish. The Hon. Wes Fang has to understand that Standing Order 52 requests are not constrained in the way that he seeks to do.

The member should learn the standing orders.

**Ms ABIGAIL BOYD (10:24):** I contribute to this rather spirited debate on behalf of The Greens. I have some sympathy for the intention behind the motion moved by the Hon. Wes Fang. The crossbench has been very frustrated by a number of issues and elements of this new Government, which does not seem to understand the powers of this House. It is timely to remind the Government of its responsibilities to this Chamber. Redaction and categorisation of documents as privileged have been overused for Standing Order 52 requests. It was disappointing when the transport Minister did not attend the inquiry of the Public Accountability and Works Committee, and I hope that will not be repeated. The behaviour and the manner of interaction during budget estimates hearings from the Hon. Tara Moriarty in her role as Minister was beyond disappointing. It was quite embarrassing for the Government, and I ask it to reflect on that.

It is unacceptable to mess about with committee proceedings and to decide at the last minute that a Minister cannot attend in person, can only attend for a certain period and then instructing all the bureaucrats to do the same. That is evidence of some elements of this new Government thinking that it is in some sort of combat mode when it comes to the exercise of the powers of this House. But I think and I hope that the Government knows that now. We have sympathy for this motion because of those elements. As I say, it is timely to remind the Government of its responsibilities, but censure is not yet warranted. However, if things do not improve, we would be open to censure in a few months. The Greens are taking the Government on good faith that it acknowledges those problems and that it will do better in the future.

**The Hon. EMMA HURST (10:26):** I also have sympathy for the issues raised by the Hon. Wes Fang in his motion. My office has had a lot of problems with Standing Order 52 requests. We are in that situation at the moment with the brumby Standing Order 52 request. There has been a delay in getting those documents or we are told that those documents are not available for the committee for our ongoing inquiry and prior to those dates. I know that the Minister has addressed that. But our office has also had problems with attempting to complete Standing Order 52 requests through a more informal process. There have been at least two situations where we know that documents exist but we have been told that they do not exist. That has been a frustrating back and forth process, with long delays in trying to access those documents. Of course, when we are trying to access a document that we know exists, we can keep pushing forward. But when we do not know if it exists and we are told it does not exist, a difficult situation is created.

An issue with questions on notice was also mentioned in the motion. We have had some very poor-quality answers to questions on notice. We have also had some trickery around not taking a question on notice because the member did not officially say that it was taken on notice, saying, "I'm not actually going to provide an answer on notice. I used different terminology and therefore it wasn't technically a question on notice." I particularly note some of the answers we received from the Minister for Gaming and Racing. He writes answers to questions saying, "It's a matter for Greyhound Racing and Racing NSW", in response to some of the most basic information about the payment of CEOs and statistics that are surely in the Minister's possession. There is a refusal to cooperate. I note as well that when a bill came forward last year, we were told by the Minister and the Minister's office that they would come and speak to us when I had further questions. Despite following up on that, the Minister or his staff did not come and see us.

So we share a lot of the same frustrations. I know we have brought this concern to the leaders of this House, as well as to the Premier. I agree with The Greens that a censure is premature at this point. However, we are sympathetic and if these problems persist we are open to revisiting our position. I urge the Government and the Minister to take on board and respond to the genuine concerns that have been raised today and to reflect on how the Government can work more effectively with the upper House.

**The Hon. MARK LATHAM (10:29):** I support the motion but only in the context of identifying the true problem, because I think it is widely acknowledged around the Parliament that Labor's ministerial team in this place is a lot stronger than its team in the other place. When we look at the non-answers on the *Notice Paper* and the problems with over-privileging Standing Order 52 documents and not turning up to committees, it is almost exclusively a problem of Labor Ministers in the lower House. There has been a genuine attempt by the Ministers in this place, led by the Hon. Penny Sharpe, to have a more open and accountable government, but she has not secured that for her colleagues in the other place. Whether she likes it or not, she is ultimately responsible for that and would bear the burden of this particular censure motion. That is the way the system works.

It is still unbelievable that Jo Haylen did not turn up to the Public Accountability and Works Committee's inquiry into Josh Murray but sent her chief of staff, who ultimately became the fall guy. What sort of Minister has a chief of staff who can attend to try to defend himself about what happened but she does not turn up? That was completely unacceptable. I do not share in the criticism of the Hon. Tara Moriarty. I think she has been a good and accountable Minister, and the Nats overbeat the egg in trying to criticise her. The problem with Jo Haylen stands and to condemn the Government for her non-appearance at that particular inquiry.

In terms of SO 52, the problems of the former Government in consistently having a default position of privileging documents that do not need to be privileged continues. It is a nuisance to then get them de-privileged. It is an obstacle to true open government. I have gone through the material on the Rochelle Hicks matter, and obviously documents have been privileged that should be open to the public in something that is widely canvassed now in *The Australian* newspaper. The Government needs to get on top of that problem. Again, that is coming from a Minister in the other place. In terms of answers, I will give one example. There are plenty of non-answers from Ministers in the Legislative Assembly, where they just say no or yes or refer us to some obscure website. I asked one question of the Minister for Regional Transport and Roads:

When did Transport for NSW inform Matthew Kelleher that he was also subjected to threats of violence by Mr Brown at the 21 June 2023 meeting?

The Minister has hid behind a claim that it is an ongoing legal matter. It is not for Kelleher; it may well be for Hicks, in a claim for compensation. That is a non-answer, hiding behind a bogus excuse. I also asked:

When the Coffs Harbour bypass Safety Officer reported the Ian Brown threats to the Coffs Harbour police, was this made as:

- (a) an official complaint urging a police investigation?
- (b) a notification of an incident, like a Note-to-file, not requiring any follow up or contact with Mr Brown?

The Minister knew the answer, and the answers are available in the Mookhey library with the SO 52s. When Jamie Tough—not so tough—the safety manager of the Coffs Harbour bypass, emailed his colleagues in August of last year, he said, "We have reported the threats made by Ian Brown, to Rochelle Hicks, to the Coffs Harbour Police Department"—[*Time expired.*]

**The Hon. ROD ROBERTS (10:33):** I make a contribution to say that on this occasion I support the censure motion. This is a very serious matter. The Leader of the Government is right: it should not be taken flippantly. I remind members of a motion that I moved and was passed in this House on 20 September 2023 relating to materially incorrect answers provided by Minister Catley. The last paragraph of the motion stated:

- (5) That this House once again takes the opportunity to remind all Ministers of their responsibilities and the importance of providing factually correct answers to questions so as to not mislead the House with answers provided.

There was an agreement that something needed to change. Minister Sharpe may not be culpable in this regard, but she is certainly responsible as the Leader of the Government. I am not playing a political game, because members in the Chamber who were here in the previous parliamentary term will remember that on 9 June 2021 I moved a censure motion against the then Leader of the Government, the Hon. Don Harwin. I will quote from that debate, if I may. The person I am quoting, who I will nominate shortly, said:

I make a short contribution to the debate on behalf of the Opposition. Labor will be supporting the censure motion. The Opposition is not pleased to have to do this—

I am not pleased to have to stand here today—

but we share the frustration of the Hon. Rod Roberts and many members of this Chamber in relation to the creeping disregard from the Government and its Ministers when it comes to calls for papers under Standing Order 52.

The debate goes on until Minister Harwin rudely interrupted, which he quite frequently did, to which the member replied:

Yes, but you sit in the big chair and you are the one who is going to get censured, and that is appropriate because that is why you sit in the big chair.

I am quoting the Hon. Penny Sharpe. I do that with all due respect, because Minister Sharpe was correct at that time. The Hon. Don Harwin was the Leader of the Government and he was ultimately responsible in this Chamber for what his Government did. The roles are now reversed. Minister Sharpe now sits in the very big chair and, ultimately, she carries that responsibility. I am not here to play politics. I am here to ensure that the correct operation of this House continues and that Standing Order 52 motions calling for papers are answered correctly within the time frames required, because if this House does not conform or comply with those orders, we will end up with anarchy.

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (10:36):** I make a contribution to debate on the censure motion. I do so in saying that we all acknowledge that this is the oldest parliamentary Chamber in the country. We will be celebrating our bicentenary this year, and with that long and proud history in this place comes some immense powers that the House has refined over time. Indeed, this morning the Treasurer gave notice of a motion about the very sad passing of former Treasurer Michael Egan, who prolifically, amongst his fantastic contribution to the people of New South Wales, made some significant contributions as the Leader of this House and, indeed, in this Parliament.

There is a long and significant history that comes with taking these significant steps. We on this side of the House—that is, the Leader of the Government, the Deputy Leader of the Government, other members and I who served in opposition—had the opportunity to take those steps. As has been canvassed in the debate today, we took those steps on occasion, but we did not take those steps lightly. We did it after there was a continued pattern of behaviour that needed to be censured. From the contributions that we have heard from crossbench members and from other speakers in this debate, I put to the House that that is not the case with today's motion.

What we have today is some kind of personal vendetta being pursued against the Leader of the Government, who takes on and understands the responsibilities that she holds as the Leader of the Government, and as a member who has previously been in opposition in this place. The idea that someone would take such a significant step because they feel upset that they are not a Minister, as we heard from their contribution, undermines that process. We need to be careful. When these steps are taken by members who are in opposition or in government, they need to follow a considered process.

I hear the feedback from crossbench members and I understand what they are saying. We are not getting it right every time, but this Government has brought about significant changes in the way we release information to members of this House. That is because we believe in this House and its processes. We believe in the history and the traditions, and we want to engage with them in a productive and proactive way. Today's motion undermines all of that. We have to consider big issues in this place and we have to do that in a careful and considered way, but this motion today is a joke.

**The Hon. SARAH MITCHELL (10:39):** I also support my colleague the Hon. Wes Fang in moving this motion. Any implication from members opposite that the Opposition is not taking this seriously is not correct. We on this side of the Chamber have discussed this at length, and it is not a motion that was moved lightly. There is absolutely no personal reflection on the Hon. Penny Sharpe in the wording of the motion. It says clearly that it is censuring her as the Leader of the Government and the representative of the Government in this House. There has been no personal reflection on anyone, except for some members opposite reflecting on the Hon. Wes Fang, which was inappropriate and disappointing.

This motion has come about because of a pattern of behaviour by a number of Ministers. I agree largely with the Hon. Mark Latham that Ministers in this House are generally respectful of upper House processes. Many of them have been members of the upper House for a long time. I add that I think the exception to that rule, unfortunately, is Minister Moriarty. What happened last year during the additional estimates hearing in December was like nothing I have ever seen before in 13 years in this place. The committee wrote to the Minister and asked her to appear on a certain day. She wrote back and said, "Yes, I have a busy schedule but I will make myself available to attend." There was no attempt to find a different date. There was no explanation that she may be travelling and would therefore have to dial in.

There is a process and a way of doing things in this place. Part of that is just being a decent person to your colleagues. If there is a reason a Minister cannot appear, they should write back to the committee chair and say, "I'm not able to do it on that date," or, "I'll have to be online." Committee members found out at the eleventh hour that the Minister would not be there in person and would not be there for the whole time. It was her own Chamber colleagues who called her to return. That is not how you do things. It shows a complete disrespect for your parliamentary colleagues and a complete disdain for the committee process. Those are the sorts of examples that have led us to have to take the quite drastic action of a censure motion. The quality of the answers to questions on notice are not good. I urge the Leader of the Government to please speak to her colleagues. Some are worse

offenders than others. The questions are basic attempts to get accountability and information about things that Labor campaigned strongly on during the election campaign.

I raise the example in my shadow portfolio of teacher vacancies, which has been a huge issue for a couple of years. I know that every two weeks data is updated on teacher vacancy numbers. That was confirmed by officials in the last estimates hearings. Multiple times I have asked the education Minister simply, "What are the current vacancies in permanent teacher positions in schools?" I get referred to data from a term earlier or several months before. We know that there is fresh data every two weeks. We have a right to know what that is to see whether the Government is meeting its obligations. The Government said to the people of the State that it would improve teacher numbers. That is one small example. They are not trick questions. We would like that information so we can do our jobs. Members opposite need to do better.

**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) (10:42):** I oppose this motion, but I thank members for putting their specific frustrations on record. It is clear from her contribution and her actions that the Leader of the Government takes those issues very seriously, as does the Government. The commitment from the entire Government team is that we will continue to work through them. We will review *Hansard* for the specifics that members have put on record and continue to focus on them.

The Hon. Mark Latham is right to draw attention to some of the traditional tensions between the upper House, the lower House, the agencies of the Executive Government and the role of parliamentary scrutiny. Those tensions make issues difficult to sort through, whatever the intentions of the Government, but we are committed to working through them. What helps is the specifics that members have put on record. Our commitment is that we will follow up on them. This motion is not helpful, though. It is so broad. It is clear legally that such strong powers should be exercised specifically. That is how the House has traditionally used them. This is not a specific motion; this is a long list of grievances. The Government is focused on proactively disclosing those matters.

One instance when the House passed a censure motion concerned the Stronger Communities Fund. In opposition we moved motion after motion in the House. We whittled down the ask to just the final approval paperwork and had heated discussions, including in this Chamber, with the previous Government. We tried to work out what the problem was in an up-front manner and held an inquiry before it was revealed that those documents were shredded. In contrast, the member who has moved this motion seeks to jump straight to the punchline without having done that work. I encourage him to do so.

**The Hon. WES FANG (10:44):** In reply: I thank all members who have contributed to debate: the Leader of the Government, Ms Abigail Boyd, the Hon. Emma Hurst, the Hon. Mark Latham, the Hon. Rod Roberts, my good friend and colleague the Hon. Sarah Mitchell, and the Deputy Leader of the Government. In her contribution the Leader of the Government seemed to indicate that Government members are conducting themselves in a way to protect the privilege of the House. But, ultimately, Government members need to acknowledge that the contributions of every other member is that they need to do better. I think that they need to read the room and see that what they are doing is not up to the standard that this House expects from the Government.

I note the personal attacks made in the contribution of the Leader of the Government. That is fine. It just flows over me. But it is disappointing that she had to resort to that. The motion has been designed to shine a spotlight on the issues that members of this House have collectively had throughout this Parliament, including the issues around Ministers and Parliamentary Secretaries not showing up to hearings or showing up at late notice and saying they are only available for an hour. The answers to questions on notice and indeed calls for papers under Standing Order 52 have all been an issue. That has been echoed throughout the contributions of crossbench and Opposition members today.

For Government members to say anything other than that they need to work harder and provide this House with better information belies their obligations and their acknowledgement of the issue. In response to the contribution that I need to know the standing orders, I do know the standing orders. That is why I know that the late delivery of documents meant that I was not able to use the documents in the brumbies hearing. I employed those standing order clauses that the Leader of the Government indicated. Because the documents were 20 days late and it took seven days to redact them, I was not able to access them until today, two days after the hearing. So I say to the Leader of the Government that I do know the standing orders. It was because of the Government's actions that I could not use those documents. That is why I have moved this motion. I will quote the Leader of the Government now for the last time: Do better.

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

**Motion negatived.**

*Committees***PROCEDURE COMMITTEE****Reference**

**Ms ABIGAIL BOYD (10:47):** I move:

- (1) That this House notes that recommendation 3.5 of the *Independent Review of Bullying, Sexual Harassment and Sexual Misconduct in NSW Parliamentary Workplaces 2022* stated that members should "lead discussion on updating the standing orders to require respectful behaviour in both Houses, particularly as they relate to sexism and racism".
- (2) That the Procedure Committee inquire into and report on updating the standing orders to require respectful behaviour in the Chamber, particularly as they relate to sexism and racism.

Over at least the past few years a number of MPs from across the political spectrum, along with staff representing various roles within the parliamentary precinct, have been working together in an effort to make the New South Wales Parliament an inclusive and safe place for all people, regardless of gender, race, disability or sexual orientation. The Broderick report was a watershed moment for this Parliament. That report collated the experiences of people from across Parliament and highlighted very serious issues that were preventing this institution from being a safe and inclusive workplace and a place that a diverse group of people would want to work at, including as a member of Parliament. The Broderick report laid out a series of important recommendations to be implemented to turn things around, to make this place better and, in turn, to strengthen democratic participation in New South Wales.

When the report was released, leaders of both the then Coalition Government as well as the then Labor Opposition gave their support to the report and its recommendations. There was, of course, support also from The Greens, the Animal Justice Party and other Independents. Those who opposed the report's recommendations were a very small minority. It was widely acknowledged that the prejudices and biases that exist outside of politics do, of course, also exist within politics; that no political party is immune from sexism, racism and other prejudices; and that we have a collective responsibility to do better. Unfortunately, that was August 2022, and it is now February 2024. Very little has changed in Parliament during that time.

The change in government and Presiding Officers can be pointed to as one of the reasons for the delay. However, the delays to the recommendations that fall to us as members of Parliament to implement are on us. We had the whole of last year, after Parliament resumed in May, to look at what we could do to clean up unacceptable behaviour in Parliament, and we failed. The new Labor Government got off to a relatively good start in terms of the tone it set against sexist and homophobic behaviour in particular, but by the end of last year this House was back to its old tricks, with both blatant and more subtle forms of sexism, homophobia and racism on full display—not to mention the transphobia that unfortunately goes beyond the far-right crossbench in this place.

Broderick tasked us with cleaning up this behaviour with a clear recommendation. Recommendation 3.5 stated that members should lead discussion on updating the standing orders to "require respectful behaviour in both Houses, particularly as they relate to sexism and racism". In frustration, and in the face of both major parties enabling sexist behaviour in the Chamber, I attempted to move this motion at the end of last year. I was devastated but unfortunately not surprised when it was voted down. But this is a new year and it appears there is now appetite for a reset. I was fortunate at the beginning of the year to spend time in the United Kingdom with MPs, parliamentary staff and members of the Commonwealth Parliamentary Association [CPA], talking about the way in which standards of behaviour are enforced in various parliaments across the Commonwealth.

People were shocked by how behind the times the New South Wales Parliament really is. In fact, we are noncompliant under the CPA's Gender Sensitising Parliaments Guidelines in a number of significant respects. That will be deeply embarrassing for us in November when we host the CPA global conference. The world is watching, and we are failing. It is not easy to strike the right balance between allowing freedom of speech and the right to speak on behalf of our constituents—to ensure that those voices are heard in our democracy—on the one hand, and on the other hand ensuring a respectful workplace in which people from across our community feel safe to represent their constituents and participate in our democracy. But the New South Wales upper House is not even close to finding the right balance. Thankfully we can take notes on many other jurisdictions. With a Procedure Committee inquiry, we have the opportunity to harness that information, process it and work together to come up with a better way of doing things.

This is not a party political issue; this is a workplace safety issue. The behaviour that members are subjected to in this place, the behaviour that is witnessed by those working in the Chamber as employees of Parliament and the behaviour that those who work as staffers must observe is toxic. With the Respect at Work reforms now implemented, we are putting parliamentary management in a very difficult position by not reforming the way we

do things. In every workplace in Australia, businesses must take a preventative, proactive approach to eliminate or minimise the risk of sexual harassment and other psychosocial hazards, and the same applies to this Parliament.

But in this Chamber, parliamentary privilege enables members to say whatever they like and hurl whatever abuse they like at other members without legal consequence, which butts up against our workplace safety responsibilities. The moment members step into this Chamber—which is our workplace for numerous hours each sitting day—or into a committee room, we no longer have workplace protections against discrimination, harassment and bullying that we would have in any other workplace in our State. That needs to change, and I know the majority of members in this place feel the same way. I look forward to working with them as we chart another way forward.

**The Hon. MARK LATHAM (10:53):** It is wrong to say that members have an open slather. The member moving the motion clearly has not read the standing orders. Standing Order 96 (3) states:

A member may not use offensive words against either House of the Legislature, or any member of either House, and all imputations of improper motives and all personal reflections on either House, members or officers will be considered disorderly.

It is the job of the Presiding Officers to bring that disorderly behaviour to order, normally by requiring a withdrawal and an apology. There is no open slather and there is a standing order. The motion would be a complete waste of time for the Procedure Committee and it demonstrates the futility of the Broderick process. What does Elizabeth Broderick know about parliamentary procedure? Elizabeth Broderick makes a fair bit of money going from institution to institution and essentially writing the same report with the same recommendations. She has done that here off the back of a monkey see, monkey do process in Canberra, which is a very different Parliament and institution, I assure members. There were concerns about the Brittany Higgins matter, and now they have brought it here and said there is a problem.

We can test the validity of the claim that there are problems here by asking how many complaints the complaints officer has received. When the preselection period ended, there were essentially none. This boils down to one matter that was ventilated in one of the most ridiculous articles I have seen in *The Sydney Morning Herald* about a lumberjack fetish. That throwaway line was made with good humour in the Chamber, and no members took offence, except for one. On top of that, someone who is noted for her support for the feminist movement, the Leader of the Government, chipped in with her account of a rollerblade fetish, thus adding to the humour on that occasion. This a gentle, genteel Chamber in a Parliament where there is no clear evidence of, and nothing has been cited to show, sexual harassment.

The only problem we have heard about is the claim that the member does not like to be in the lift or walking down the corridor with certain people. How does the member think we feel about that? There is no evidence to support the motion. What we are dealing with is an act of selfishness. The member moving the motion has told this Chamber previously about tragedies that happened in her childhood, which are real, and for which we all feel very sorry, but we cannot live our lives through the prism of that. Most people talk openly about sex. They will make jokes about it. There will be good humour about it. We cannot be triggered by it.

**Ms Abigail Boyd:** Point of order: Under the standing order that was referred to in relation to offensive remarks, I would comment that referring to somebody's experiences of childhood sexual abuse as part of this debate on a standing order referral is out of order.

**The PRESIDENT:** Yes, I am inclined to agree. A lot of relevant points of view need to be aired, but that comment was not relevant to the debate. I ask the member to withdraw that part of his contribution.

**The Hon. MARK LATHAM:** I withdraw it. In relation to the point of order, what is the point of members making speeches if other members do not absorb the information and reflect on it later on? That is all I did.

**The Hon. MARK BANASIAK (10:56):** I contribute to debate on the motion moved by Ms Abigail Boyd. In the first instance, I generally have no issues with matters being referred to the Procedure Committee for consideration. My contribution is for the consideration of the Procedure Committee if this motion is passed. What is being proposed is for the Procedure Committee to consider limiting speech in this House with regard to parliamentary privilege because offence was extrapolated and taken—though not given—some five months ago. It should be noted that the taking of offence by an individual is impossible to measure, determine and police. It should also be noted that after offence is taken, nothing happens. The sky does not fall in. I draw members' attention to the excellent paper on parliamentary privilege presented by Stephen Frappell in 2019. I raise a few points from it for the Procedure Committee to consider. It states:

While freedom of speech in Parliament in New South Wales remains sacrosanct, the Houses may themselves impose limitations on the freedom of speech of members, including the rules of debate and the sub judice convention. In addition, the Houses themselves have the power to discipline members who, by their spoken word, offend the House.

It is important to pause and reflect on what is meant by the word "House". It would generally be agreed that, in most instances, when reference is made to the "House" it means the agreement of a majority of members to a motion, statement or action—not a singular person or a few peoples' interpretation, or misinterpretation, of words that are spoken, and nor does it refer to the playbook of petty Marxism that silences those who have an alternative opinion. Further proving my point, the paper states:

The New South Wales Legislative Council adopted such an approach in 1997 and 1998 in relation to a statement made in the House by the Hon Franca Arena. The statement and allegations therein made by Ms Arena were deemed to be of such gravity as to warrant the waiving of privilege by legislation and external investigation.

Once again, this was a determination of the House—that is, the majority of members. Therefore, it may be said that the member's attempt to police the words that are said in this place that the member disagrees with can only be policed if the majority of the House is offended.

In the case of what was said five months ago, that was clearly not the case, because the House was not so gravely outraged that I was to be scolded, and the substantive motion was passed. While some found humour in the wording of the motion, others did not. The essential argument in my motion was that Senator Faruqi was a hypocrite, and the House—that being the majority of members—agreed. In closing, when contemplating the proposal set out in the motion, the Procedure Committee should consider that the democratic process of the House—meaning the majority of members—should be upheld at all costs. It should not be withered away to allow for individual members to morally lecture and police the thoughts and words of members with whom, in debate on certain issues, they may disagree.

**The Hon. SARAH MITCHELL (10:59):** I will be quick, as there is only a brief period before question time. The Opposition will not oppose this referral. It is not unusual for members to suggest the Procedure Committee looks into standing orders from time to time; there are a lot of instances where that has happened. I also note that the Procedure Committee has a wideranging membership and a lot of the issues ventilated in this debate, particularly those around parliamentary privilege, should be looked at. I have no doubt they will be. It is a committee that operates on consensus and there would need to be agreement by all members if there were to be any change in the standing orders. With all that context, we will not be opposing this referral.

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

#### *Questions Without Notice*

### **GENERAL PRACTITIONER PAYROLL TAX**

**The Hon. DAMIEN TUDEHOPE (11:00):** My question is directed to the Minister for Finance. When the 12-month pause in payroll tax audits of payments by GP clinics to general practitioners expires on 4 September 2024, will GP clinics be liable to pay all overdue payroll tax, including payroll tax owed for the period of the audit pause?

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:00):** I thank the Leader of the Opposition for the question in relation to payroll tax and GPs. This is a question that was on the front page of *The Daily Telegraph* today. I am delighted to see that he is reading that newspaper.

**The PRESIDENT:** Order! The Minister has the call.

**The Hon. COURTNEY HOUSSOS:** At the outset, it is important to acknowledge a few facts. This is not a new tax. The Government has not imposed additional payroll tax obligations on GPs and GP practices. We understand that this is a tough time for families and for households. We want to make sure that accessing a doctor is as affordable as possible. As was referenced in the question, last year in August this Government did—

**The Hon. Daniel Mookhey:** You did.

**The Hon. COURTNEY HOUSSOS:** Thank you. Yes, I announced it, but this Government did what those opposite failed to do, particularly the Leader of the Opposition during his period as finance Minister, which was to announce a pause.

**The Hon. Damien Tudehope:** Point of order: I know that the Minister would like to direct an attack on me, but this is a specific question relating to what will occur at the end of the audit period. Will GP practices be required to pay payroll tax at that point in time? I ask the Minister to answer that question.

**The PRESIDENT:** I uphold the point of order. I direct the Minister back to the question.

**The Hon. COURTNEY HOUSSOS:** In August last year I announced that we would pause payroll tax audits and the compliance efforts in order to pursue those, as well as pausing the debt currently outstanding for a

range of GPs and GP practices, because we wanted to end the uncertainty that GPs and GP practices are feeling. There is some history to this issue dating back to 2018. For years the previous Government let a practice note be shopped around—

**The Hon. Damien Tudehope:** Point of order: Mr President, I do not like to have to do this a second time. It is a very specific question. When the pause finishes, will the GP clinics be required to pay the payroll tax for the period of the pause? Mr President, you have a copy of the question. It is very clear and specific in its terms.

**The PRESIDENT:** I do not uphold this point of order. I upheld the member's last point of order because the Minister made an ad hominem argument that was of little relevance to the question. This, however, is potentially important historical context, which I am willing to listen to in order to see whether it is in fact relevant. The Minister has the call.

**The Hon. COURTNEY HOUSSOS:** Thank you, Mr President. As you note in your ruling, many of the things that this Government is forced to deal with are problems that were created—or left untouched—by the previous Government. This is one of those issues and has been around since 2018. It is worth reflecting that between 2018 and 2023 the previous Government chased down doctors and GP centres. It chased them through the courts. This Government paused that and said, "Let's take a fresh look at what is going on." We acknowledge that GPs and GP practices are under enormous pressure. What is the true cause—

**The Hon. Damien Tudehope:** Point of order: I again say this is not an answer to the question asked.

**The PRESIDENT:** The Minister is being directly relevant to the question asked. She may not be answering in the way the member would like her to, but she is currently being directly relevant to the question. The Minister has the call.

**The Hon. COURTNEY HOUSSOS:** What I can tell members is that this Government—through the health Minister and me personally, our department and our offices—is working closely with GPs, the Royal Australian College of General Practitioners, the Australian Medical Association and a range of GPs and their practices in order to find an outcome. [*Time expired.*]

#### REGIONAL SKILLS AND COST OF LIVING

**The Hon. STEPHEN LAWRENCE (11:05):** My question is addressed to the Minister for Regional New South Wales. Will the Minister update the House on the Government's plan to address skills shortages and cost-of-living pressures in regional New South Wales—and is she aware of any alternative approaches?

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:05):** I thank the Hon. Stephen Lawrence for the question and his ongoing interest in assisting, supporting and representing the people of regional New South Wales, who are a key focus for me as the Minister and for our entire Government. As all members should be well aware, cost of living is a real concern for everyone in New South Wales, including people living in rural and regional communities. Supporting people with cost-of-living assistance measures is a priority for me as the Minister for Regional New South Wales and a priority across all of our portfolios inside this Government. It is an issue we need to address.

Right now people are feeling the pinch financially because 12 years of mismanagement and neglect by the previous Government are all coming to a head. Those people deserve every bit of attention from this Parliament and from our Government to make sure they have got the right support to get through. Unfortunately, there are also shortages of essential workers across regions in New South Wales. This was an issue we inherited from the previous Government, but we're getting on with the job of addressing it. We need more teachers, health workers, child protection case workers, police and more across our regional communities. We are providing a number of programs to fix those skills gaps and make sure we have essential workers in those communities, which was not a focus for the last 10 to 12 years. We are doing something about it.

Last week I was delighted to join the Premier in Goulburn to launch the Make the Move campaign. We are encouraging people from Sydney and other capital cities in other parts of Australia to move into our wonderful regional communities and enjoy the lifestyle, the affordability and the opportunities for work on offer. I thank Jason, Amanda and their family, who were part of last week's launch. They will form part of an advertising campaign highlighting the benefits of living in regional New South Wales. We are completely focused on delivering for the interests of people in regional New South Wales, unlike those opposite. I was fascinated to read that, instead of being focused on these issues, late last year the National Party decided to host a Christmas party in Woolloomooloo at one of the fanciest restaurants on Sydney Harbour. I guess this is why those opposite wanted to be in Sydney in the last week of December. Some 50 cocktails were consumed—

**The PRESIDENT:** Order!

**The Hon. TARA MORIARTY:** —and a bottle of Bollinger was the Christmas present, which was drawn by the Hon. Wes Fang. Here is hoping he gets preselected as a lucky door prize at this year's Christmas party. [*Time expired.*]

**The PRESIDENT:** Order! The Deputy Leader of the Opposition will resume her seat. I call the Hon. Wes Fang to order for the first time. I call the Hon. Wes Fang to order for the second time.

#### WILLYAMA HIGH SCHOOL

**The Hon. SARAH MITCHELL (11:08):** My question is directed to the Minister for Western New South Wales regarding an issue that is actually important. Given that Willyama High School in Broken Hill is closed because of a mould outbreak, leaving hundreds of students to learn across other school sites with no time line for a return to the site, when will the Government commit to fully funding any remediation that needs to be done at the school, including building a brand-new school if it is needed?

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:09):** I thank the honourable member for her important question. I know that is a significant issue for the school in Broken Hill. This question would be best directed to the Minister for Education and Early Learning. As the Minister for Western New South Wales it is an issue that I am aware of. I will work closely with the education Minister to ensure that the school is rectified and the students in Broken Hill who are impacted do not skip a beat in their education, which is a priority for this Government. The building is one thing. Making sure that their education can continue unaffected by the circumstances is the priority for our Government. I am sure that the Minister for Education and Early Learning is doing everything she can to address this issue as quickly as possible.

Damage like this does not occur overnight and I assume that this damage occurred over many, many years on the former Minister's watch. The shadow Minister for Education and Early Learning probably should have done a better job of paying attention to investing in school infrastructure instead of not doing much about it, allowing for a teacher shortage and for teachers not to be respected.

**The Hon. Sarah Mitchell:** Point of order: It is a very specific question relating to the recent outbreak of mould at Willyama. If it benefits the member, it was discovered in January. I would like an answer to my question: Will the Government commit to fully funding any remediation at the school? It is pretty simple.

**The PRESIDENT:** While the Minister was being directly relevant for the first minute, she has strayed. I direct her to return to the question at hand. The Minister has the call.

**The Hon. TARA MORIARTY:** This is a significant and serious issue for the school. I am advised that it was discovered in January but, again, these issues are not things that occur—

**The Hon. Sarah Mitchell:** You said it was our fault.

**The Hon. TARA MORIARTY:** Because this issue did not start in January. It was discovered in January, but I assume it is not something that occurs immediately. We are getting on with the job of addressing the issue. While initial recommendations from the independent occupational hygienist indicated that remediation work could be completed in time for term one, unfortunately that was not the case. Later laboratory analysis was more concerning and called for a more significant response. We are treating this as seriously as it deserves to be treated, whilst ensuring that the students get the education they are entitled to.

**The Hon. SARAH MITCHELL (11:12):** I ask a supplementary question. I refer to the Minister's answer where she assumed that the Minister for Education and Early Learning is taking the appropriate steps. Would the Minister elucidate that part of her answer? Has she had a discussion about the matter with the Minister for Education and Early Learning, the Treasurer, or anyone in Broken Hill? As the Minister for Western New South Wales, what proactive steps has she taken to support the school community?

**The Hon. Penny Sharpe:** Point of order: The Minister has answered the question in a directly relevant way. This is a new question, not a supplementary question.

**The Hon. Sarah Mitchell:** To the point of order: The Minister said in her answer that she assumed that the education Minister was taking the issue seriously. I want to know whether she has had any discussions about it. The question refers directly to something she said in her answer.

**The PRESIDENT:** As members know, I allow quite wide latitude for supplementary questions. On this occasion, I declare that the supplementary question is in order. The Minister has the call.

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:13):** What I said in the previous answer is what I will say

now. This is a matter for the Department of Education and for the Minister for Education and Early Learning. But, as the Minister for Western New South Wales, I work closely with all of my ministerial colleagues to make sure that the issues of western New South Wales are dealt with appropriately by the Government. This is an issue that I have been aware of and I said that in my previous answer.

**The PRESIDENT:** Order! I remind the Hon. Wes Fang that he is on two calls to order.

**The Hon. Wes Fang:** I know, because you keep picking on me. Come on.

**The PRESIDENT:** The Minister will resume her seat.

**The Hon. Wes Fang:** Twice now, is it? You know what you're doing.

**The PRESIDENT:** Let me make this point very clearly to all members of the Chamber. Reflections on the Chair are always disorderly unless made by—

**The Hon. Wes Fang:** But accurate.

**The PRESIDENT:** —substantive motion or by dissent. There is a long line of authorities in this place, including from President Johnson and President Fazio, Deputy President Forsythe, and more recently President Ajaka, whose ruling went so far as to declare that reflections on the Chair made by use of social media are disorderly. This continues a long line of authority inherited from Westminster. The history of the Commons is replete with examples of members being disciplined for reflections on the Speaker, and particularly for those which impugn the Speaker's impartiality.

By way of example, on 20 July 1888 the member for Camborne was first condemned by the House and then suspended from the service of the House for a month for reflecting adversely on the impartiality of the Speaker in a letter to the editor of a newspaper. Throughout my term as President I have indicated a desire to give some lenience to members, especially within the robust forum of question time. However, I will not tolerate members reflecting adversely on my impartiality as President, or that of other occupants of the chair during any proceedings of the House or the Committee of the Whole.

Therefore, under Standing Order 196, I call the Hon. Wes Fang to order for the third time. I order that he be removed from the Chamber by the Usher of the Black Rod until the end of question time today.

*[Pursuant to standing order the Hon. Wes Fang left the Chamber, accompanied by the Usher of the Black Rod.]*

**The PRESIDENT:** A supplementary question has been asked. The Minister has the call.

**The Hon. TARA MORIARTY:** Forgive me if I cannot remember where I left off. I work closely with every ministerial colleague in every portfolio to make sure that western New South Wales gets all the attention that it deserves. When any issues arise in New South Wales I am across them and I work with my colleagues, just as I am on this issue.

## PUBLIC TRANSPORT ACCESSIBILITY

**Ms ABIGAIL BOYD (11:16):** My question is directed to the Minister for Roads, representing the Minister for Transport. Last year there were two reviews into the National Disability Standards for Accessible Public Transport, one of which focused on modernising the standards. The disability advocacy sector has yet to see the new draft standards. What is the time line for the public release of the new standards and the time line for New South Wales compliance with the new standards?

**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) (11:16):** I thank the member for her question. I know this has been an issue that she has dealt with in a range of forums, including in the Chamber. Over time she has been an advocate in this space. It is important to the Government and the Minister for Transport to act in this area. One of the actions of the Minister has been to champion the Transport Access Program, as well as the Commuter Car Park Program. That has seen an increase in funding in the State budget and is one of the areas that has been prioritised very early on.

I have some transport information for the member that is available. I am advised that the Disability Standards for Accessible Public Transport 2002 (Transport Standards) is a legislative instrument under the Commonwealth Disability Discrimination Act 1992. It specifies minimum standards to make public transport accessible to the widest range of people with disabilities. As a result of that being Commonwealth legislation, this review and the modernisation of transport standards is being led by the Australian Government. It is in consultation with all the States, including with the New South Wales Government. The most recent activity was in June 2023 where the Australian Government presented to the transport Ministers' forum a Decision Regulation Impact Statement outlining a significant package of reform areas. There are 19 reforms for retrospective

application to existing systems and assets. At the meeting in June those reform options were supported by the Ministers.

In December last year the Australian Government advised the meeting of infrastructure and transport Ministers that reforms would be progressed to the next stage of regulation design. New South Wales Government officials have subsequently been advised that the Decision Regulation Impact Statement will be published by the Australian Government in due course. The Australian Government has also advised that once the Attorney General has signed off the reform package, a legislative review process to drive the agreed reforms into effect will commence.

The time frame for the commencement of the new standards will have to be determined by that process to design the legislation and have it assented to by the Parliament of Australia. Obviously the New South Wales Government and the Minister in particular are taking a close interest in it. I am sure the Minister would be open to updating the member further. These are important questions. We are engaged in that combination of the Federal process and the direct budget funding and focus on that Transport Access Program, which have been important to the Government.

### HYDROGEN INDUSTRY

**The Hon. CAMERON MURPHY (11:20):** My question without notice is addressed to the Minister for Energy. Will the Minister update the House on the outcomes of the visit of the Governor of Tokyo, particularly when it comes to hydrogen?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:20):** I thank the honourable member for his question. I acknowledge the visit of Her Excellency Governor YuriKo Koike to this Parliament yesterday and I thank her. During her visit to New South Wales she had a very busy schedule, but importantly two things were signed that reinforced the strong 40-year ties between New South Wales and Tokyo as sister states. Yesterday I was present when the Premier and Her Excellency signed a general re-adoption of our sister state relationship. I was also very fortunate to sign a memorandum of understanding with the Tokyo Governor and her officials on hydrogen in relation to the support that New South Wales wishes to provide to Japan, particularly the prefecture of Tokyo, so that they can meet their decarbonisation goals as well.

Tokyo and New South Wales are inextricably tied together. We currently have two-way trade with Japan, and a lot of that is currently coal and gas. As we decarbonise and as Japan looks for ways to decarbonise, the hunt is on for the replacement of these fuels that will allow the abatement we need to get climate change in check. In New South Wales we are pursuing that with vigour through our hydrogen strategy. We want to be an exporter of this technology and we are putting big money and support into the regions, whether that be the Hunter or the Illawarra or whether that is dealing with fertiliser in Moree. I acknowledge the work of the previous Government when it comes to that. It established some of it. This Government has put significant money into the hydrogen hubs in the Illawarra, Moree and the Hunter.

We are working closely on the mechanisms to really elbow out the rest of the world when it comes to the global race to provide hydrogen to states that desperately need it and on the ongoing work from the Federal Government that is being undertaken with their Hydrogen Headstart Program. I am very pleased to inform the House that two projects in Newcastle and the Hunter have been short-listed for significant amounts of money from the Federal Government as we are in the global race to become leaders in hydrogen. This is an exciting time for New South Wales. It is wonderful that we have such great partners like the Tokyo prefecture and the people of Japan as well. We will have customers, but more importantly we have deep relationships and we have genuine partnership in decarbonising our economy for the future, which is one of the greatest issues the globe is currently tackling.

### COAL PROJECTS

**The Hon. JEREMY BUCKINGHAM (11:23):** My question without notice is directed to the Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage. In light of the planning department giving significant weight to John Barilaro's strategic statement on coal above the Government's own Climate Change (Net Zero Future) Act 2023 in approving the first coalmine of the Minister's tenure—the Boggabri Modification 8 coal project—and noting there are 15 more coalmine expansions moving through the planning system, when will the Minister introduce regulations under the Act to set the required interim targets and require that the Act itself is given precedence in planning decisions?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:24):** I thank the honourable member for his question. I thank him for his efforts and the efforts of all members of this House when the Government introduced the Climate Change

(Net Zero Future) Act and put in place this groundbreaking and important legislation. The Act is the first climate legislation in New South Wales. It is also the first legislation in any State or Territory to establish a strong, independent, expert Net Zero Commission, and it is also the first legislation in Australia to refer to the right to a clean, healthy and sustainable environment.

In terms of next steps, the Government is currently setting up the Net Zero Commission. We aim to have it operational in the first half of this year. The Government will also be moving to establish the net zero future joint standing committee in the coming weeks of this session of Parliament. We look forward to having everyone involved in that. In relation to the regulation-making power under the net zero future Act, the Government's approach is to first set up the Net Zero Commission. The Government wants the commission to provide advice and input on regulations that are being put in place. The Government wants to do that with the commission rather than pre-empt some of the work it is going to undertake.

In relation to fossil fuel projects, particularly the one indicated by the member, emissions impacts are already required to be considered under the planning system. As the member is aware, the planning system and any specific development applications or modifications are matters for the Minister for Planning and Public Spaces. Similarly, the strategic statement on coal and mining is within the portfolio of other Ministers. We are working closely as we discuss those issues constantly about how we manage them. In relation to the precedence of the net zero future Act, I draw the member's attention to section 7 of the Act, which states:

This Act prevails to the extent of an inconsistency with another Act or law.

That provision conveys the importance that this Government and Parliament have placed on the landmark climate legislation. I understand there is disquiet and a lot of debate on how all of the policies and procedures work together, which is also why it is very important that the Government takes a careful and thoughtful approach on the matters. The Net Zero Commission will be extremely important for that. The regulation-making power the Parliament has granted the Government is very strong. We will take advice as we roll out this extremely important Act.

### BUS MANUFACTURING INDUSTRY

**The Hon. SAM FARRAWAY (11:26):** My question is directed to the Minister for Domestic Manufacturing and Government Procurement. What steps has the Minister taken to expedite progress on the Transport for NSW Bus Procurement Panel 4 and to help protect regional New South Wales jobs in the bus manufacturing industry?

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:27):** I thank the honourable member for his question. My responsibility is in relation to domestic manufacturing and government procurement. Importantly, I note that we are operating under a devolved procurement framework. That system was put in place by the previous Government, when the member asking the question was a Minister. Each department is essentially responsible for procuring goods themselves. As a new government, we are taking a very close look at that procurement framework to consider whether it is the best way to leverage precious government procurement dollars, which I talk about all the time. There is no doubt that Transport for NSW is one of the key opportunities we have to bring some of those domestic manufacturing opportunities onshore.

We have a range of programs, whether it is buses as outlined in the question or trains that were manufactured in New South Wales for over 100 years before the previous Government decided to end those contracts and send those billions of dollars offshore. There are a range of programs across the transport sector and indeed across the Government. In relation to this specific question, I had the opportunity late last year to visit a bus manufacturer in Western Sydney. I have spoken to and met with a number of local businesses who, in spite of the neglect of the previous Government, have been able to carve out a business for themselves. The business I visited was building buses in New South Wales for the Victorian Government. I welcome the fact they are doing that. I think that is excellent.

We are interested in making sure that the New South Wales Government is actually procuring those buses and transport opportunities in New South Wales. I am working closely with the Minister for Transport in doing this, and I commend the work that she and her department are doing to find those opportunities. There is no doubt that the process for the new train fleet will have quite a long run-in—and that work has already commenced—but we do have opportunities in relation to buses here in New South Wales. We have started that work—*[Time expired.]*

**The Hon. SAM FARRAWAY (11:30):** I ask a supplementary question. Has the Minister for Domestic Manufacturing and Government Procurement spoken with either the transport Minister or the regional transport Minister about the Transport for NSW Procurement Panel 4 process?

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:30):** I am delighted to inform the honourable member that I have multiple conversations with my ministerial colleagues about these issues all the time. As I outlined in my answer to his substantive question, we have to work collaboratively, and the main reason that we have to do that is because of the system that was put in place by the previous Government. There is no doubt that we have a sense of urgency in wanting to do this—we want to make sure that we are building buses here—but we cannot do it overnight, and we are certainly going to make sure that the appropriate probity and procurement processes are gone through.

**The PRESIDENT:** Order! The Hon. Sam Faraway and the Hon. Penny Sharpe are not helping. The Minister has the call.

**The Hon. COURTNEY HOUSSOS:** There is no doubt that buses are a key opportunity, and I know that the Minister for Transport in particular is having very close oversight of that process. But we are not going to rush into it.

**The Hon. Sarah Mitchell:** You've had a year.

**The Hon. COURTNEY HOUSSOS:** We have had nine months. Those opposite had 12 long years and the decisions that they took were to send government procurement dollars overseas. They struggled to find a government procurement program that they could not send overseas.

**The Hon. Sam Faraway:** Point of order: My point of order is on relevance. I specifically asked what conversations Minister Houssos has had with Minister Haylen and Minister Aitchison relating to Transport for NSW Procurement Panel 4. I did not ask about trains or about what happened under the previous Government.

**The PRESIDENT:** It is a little bit rich for the Hon. Sam Faraway to take a point of order when he has been interjecting throughout the Minister's answer. However, I do have some sympathy for the point of order and instruct the Minister to come back to the question at hand. The Minister has the call.

**The Hon. COURTNEY HOUSSOS:** I note the interjections from those opposite. They find it difficult when we work together as a team. It is so deeply offensive to those opposite that we would work collaboratively. In working collaboratively, I make reference to the media clip that was helpfully provided to me by the Leader of the Government, which talked about the engines that we are having to take out of the ferries because they are literally exploding.

**The Hon. John Graham:** I hoped it was about *Nemesis*.

**The Hon. COURTNEY HOUSSOS:** Ask me another supplementary question and I might get to *Nemesis*. We are trying to solve so many problems. [*Time expired.*]

#### OPEN STREETS PROGRAM

**The Hon. MARK BUTTIGIEG (11:33):** My question is addressed to the Minister for Music and the Night-time Economy. How is the Minns Government Open Streets Program helping local councils provide affordable entertainment for communities across New South Wales?

**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) (11:33):** I thank the member for his question and I acknowledge his close interest in the music sector. He has been one of the key members of the Legislative Council and of the Parliament—and there are quite a number—who has taken a real interest in this agenda.

**The Hon. Sarah Mitchell:** He's the hardest working one you've got. Give him a promotion.

**The Hon. JOHN GRAHAM:** It is not a competition, but he is doing very well. Yesterday I updated the House about what the Government is trying to do with one of its key cost of living measures, which is toll relief, opposed by those opposite. Today I want to update the House about another measure, in the vibrance area and music agenda in the night-time economy space. We are trying to drive costs down for people going out and having a good time, people getting together, and the sense of community that that brings. As we indicated in the House in a range of answers yesterday, we know how much people are hurting. This program is part of the agenda to make it cheaper for people to get together and to hold events, particularly out on streets around the State.

Last week, at the Tamworth Country Music Festival, I announced one of the next steps that the Government will be taking in this space. We have launched the Government's Open Streets Program, a scheme designed to enable councils to put on more community events, closing streets and bringing people together. Under that program, councils can apply for up to \$150,000 to facilitate the closure of streets to vehicles to host events that

are free for the community to access and continue to lift their local areas. Tamworth was certainly the perfect place to unveil the program. It had access to a similar scheme a couple of years earlier during COVID and so had done this before. The backdrop was buskers and community members—and a lot of big hats were evident. People were out having a fantastic time on a closed Peel Street as part of the festival.

This is not just about funding, though. The Government is changing regulations to make it easier for councils to cut costs for events. Currently, some street closures cost between \$48,000 and \$122,000. In my view, that is ridiculously expensive. We can cut those costs, particularly where the same event is being held in a similar place at a similar time of year. The Government is working to cut regulations, particularly traffic management planning, which is repeated event to event but is costly. We are looking at driving those costs down. Supplying grants to councils, encouraging them to activate their areas and cutting regulatory costs as part of the vibrancy approach enable councils to do this regularly at a time when cost of living impacts are big. It is another step forward. The Government is focused on cutting costs for people, not just on tolls but in this area as well.

### HOMELESSNESS SUPPORT SERVICES

**Dr AMANDA COHN (11:37):** My question is directed to the Minister for Mental Health, Minister for Housing, and Minister for Homelessness. A 12-month investigation into homelessness conducted by *Guardian Australia* released this week found that people experiencing homelessness have a life expectancy over 30 years below the national average and reported that chronic underfunding of specialised homelessness health services means that easily treatable injuries and illnesses are being missed in the early stages. What has been done, or is planned, by the Minns Labor Government to ensure that health services are affordable, accessible and culturally safe for people experiencing homelessness?

**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) (11:37):** I thank the honourable member for her question. She has raised an important issue in this Chamber and it is great to have the opportunity to talk about some of the dedicated health services that we are providing to the homeless community. I think everyone in this Chamber recognises that even those of us who lead relatively stable lives can have difficulty accessing health services these days—and, in particular, people in regional communities. Health services are becoming more difficult to access. Imagine trying to do it without a stable address or with some of the co-morbidity challenges that the homeless community faces.

We know that people experiencing homelessness need dedicated health services. Since becoming the Minister, I have participated in some of the specific outreach programs that are run, particularly by St Vincent's Homeless Health. They are real leaders in this space and I credit them. I participated in an outreach with them—I know the Minister for Health has as well—and have been standing alongside them as they deliver health services to the homeless community. Recently I was pleased to launch another of their mobile homeless health hub vans, places where people experiencing homelessness can access basic health services. Those existing specialist homeless health services are doing a good job. They are stretched, though, and they are being increasingly stretched by the increase in homelessness that we are seeing.

A recent initiative we were pleased to support through NSW Health, again alongside St Vincent's Hospital, was dedicated mobile cooling stations for the homeless community. With some of the really hot weather that we have experienced, particularly on public holidays like Australia Day, and the closure of the conventional air-conditioned public facilities where people experiencing homelessness might go to cool down, those mobile hubs with cooling stations, refreshments and other health services co-located are really important. So we are looking at rolling them out and establishing more of those mobile hubs.

Again, it is important that they are mobile. We can take them into the regions for those communities experiencing an increase in homelessness. Those assorted outreach programs are critical. Part of the challenge is taking the services to the homeless community and not expecting them to be able to walk in to GP clinics or more established health services. That is not going to work. We need dedicated health services. We have just re-signed the formal agreement between the Department of Communities and Justice and NSW Health about these dedicated services, so collaboration is there. We know that we need to build on that. It is really important that those specialised services are acknowledged.

The other thing I mention in response to the member's question is in the excellent work that *Guardian Australia* undertook. The article talked about the value of things like homelessness registries so that we know who is experiencing homelessness, where they are and what their circumstances are. The Government is also exploring that. Obviously, there are privacy considerations, but we should not have unknown homeless people. We should know their names, their circumstances and where they are.

**ART GALLERY OF NEW SOUTH WALES**

**The Hon. RACHEL MERTON (11:40):** My question is directed to the Minister for the Arts. Where did the Minister find \$12.1 million to give to the Art Gallery of New South Wales? What is he cutting?

**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) (11:41):** I thank the member for her question and her interest in the Art Gallery of New South Wales, which is one of our key arts institutions and much loved. What a reaction, though, to this good news. What about congratulations on being able to assist with \$12 million of extra funding post the budget through careful management inside the portfolio? It is exactly what Ministers are supposed to do.

We allocated a significant amount of money in the budget to the Art Gallery but, as was clear during the estimates process when the gallery budget and the opening of the important second wing was probed, there are pressures there. I will come back to where those pressures come from. I thought the gallery witnesses answered clearly on what those pressures were. I have worked carefully as the portfolio Minister. I confirm we have allocated \$12 million more than was in the budget. It has come from elsewhere in the cluster, as we have worked carefully with the existing programs. That is \$12 million extra this financial year. Where has this problem come from?

**The Hon. Sarah Mitchell:** From where? Elsewhere in the cluster? Where?

**The Hon. JOHN GRAHAM:** The Government is looking closely to work that out. As I indicated, we have taken three steps with this and the other claims. We will assess the claims, audit closely and assist if required. A close audit is underway of exactly what went on with the former business case for the Art Gallery from 2017, which clearly has not transpired into reality. That is what is going on here. The Government has assisted in the meantime, and I am happy to do so. But I can guarantee members that where we spend public money will be closely audited. We will assist if required, but there will be forensic examination of the business case for expenditure in that institute. I will be assisted by the finance Minister in this matter, as is appropriate. We will work carefully through those issues. If we are assisting, I want to know that what is being spent is in line with community expectations. I am happy to confirm the good news. I am happy to answer anything else, but it is careful financial management in the portfolio.

**The Hon. RACHEL MERTON (11:44):** I ask a supplementary question. Will the Minister advise which specific programs were cut? The use of "elsewhere" is not an answer.

**The Hon. Daniel Mookhey:** Point of order: Disappointment with an answer is not grounds for a supplementary question. It is grounds for a poor contribution to the take-note debate but not an opportunity to detain the House in its most important forum.

**The Hon. Damien Tudehope:** To the point of order: The question was to the effect of asking the Minister to elucidate his answer in relation to the specific programs that were cut.

**The Hon. Penny Sharpe:** To the point of order: It is a very nice try at modelling perhaps what the member should have said when asking her question but, unfortunately, the question is out of order for the good reason that the Treasurer outlined.

**The PRESIDENT:** The member stated in the second part of her supplementary question, "The use of 'elsewhere' is not an answer." That is not helpful. We do not like debating points in our supplementary questions, and for that reason alone I am tempted to rule it out of order. But I will not. I note this is the first supplementary question that the member has asked. I have some sympathy with the valiant attempt of the Leader of the Opposition to highlight the word "specific" and imply that it is a different question to "What is he cutting?" because of the nature of its specificity. I will allow the supplementary question on this occasion, but it is very close to the line. The Minister has the call.

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (11:46):** I thank the member for her follow-up question. It is a fair follow-up. I am disappointed that she missed the opportunity to join in the good news as she approached the lectern for the second time, but it is a fair question. I encourage her to bring this matter to budget estimates, where I will be happy to run through it in more detail. It is a difficult question to answer in the time I have in the House.

The member underestimates the significant fiscal challenges in the Enterprise, Investment and Trade [EIT] area that I was left by the former Government in the weeks before it went to the polls, including cuts immediately before the election. So there is some complexity to the careful fiscal management that I have applied to the EIT area, which I would be delighted to run through in some detail at estimates. It would diminish the significance of

the member's question for me to give a glib answer. There is not a program that has simply been cut to produce the \$12 million. There has been close work within EIT to deal with this and a range of other fiscal issues that I have been left with. I invite further questions at estimates. I am happy to run through them in detail in that forum.

### TRANSPORT AND INFRASTRUCTURE BUDGET

**The Hon. GREG DONNELLY (11:47):** My question is addressed to the Treasurer. What is the Treasurer's response to recent claims that the Government has been cutting spending on transport and infrastructure capital and community concerns about the people who are making such claims?

**The Hon. DANIEL MOOKHEY (Treasurer) (11:47):** I thank the member for his question. I was astounded to come back from leave to learn that the Government had apparently savaged the transport and infrastructure budget by 25 per cent—so claimed by the Opposition. I had been warning people who complain about my miserly spirit to just await the tenure of the Acting Treasurer, the finance Minister, when she gets her hands on all the dials. Even I thought that perhaps the Minister for Finance had gone too far in cutting the budget by 25 per cent! So I made some inquiries. I grabbed the Liberals' last budget, and I compared it to Labor's first budget. Here is what I learnt. The Liberals forecasted that transport and infrastructure spending would fall by—wait for it—34 per cent in the same period. In fact, Labor's first budget increased transport and infrastructure spending by \$400 million. It is not true at all that there was a cut.

I am asked to respond to community concerns about the people who are making these claims. If somebody cannot read budget papers, they certainly should never be given the opportunity to write them. Like in so many instances these days, when I worry about the state of the modern Liberal Party and I have questions and I search for answers, I turn to the book of Greiner, which provides terrific insight as to how we find ourselves in this situation. This is what Nick Greiner has said about those opposite, "Very few of the parliamentary wing have been students of, or contributors to, discourse on policy and public sector professional practice." That is claim number one. Claim number two states, "Some Liberal MPs were more focused on themselves and their personal or factional interests than on the business of representing people and working hard on the community priorities."

But my favourite part is what Greiner said about the Cabinet, "Cabinet had some very strong and experienced Ministers, but the party room lacked depth of Cabinet-ready talent." The dregs of government now run the Opposition, and we can see that. This is how I would describe the modern Liberal Party: The has-beens are leading the wannabes and they are surrounded by the never-wills. We can tell that from the insight that they have been providing upon returning for the year. If they cannot get this right, they should not be running a transport and infrastructure program. They need to do better as an Opposition. They are embarrassing themselves and making us look good.

### COAL AND GAS MINING

**Ms CATE FAEHRMANN (11:51):** My question without notice is directed to the Minister for Energy. Yesterday the Government announced it will kill off the PEP 11 gas exploration licence along with all offshore gas and mineral exploration. In justifying the decision, the Minister stated that she is listening to community concerns and prioritising the environment. Santos' Narrabri Gas Project has also been the subject of overwhelming community opposition. The project and associated pipeline will clear threatened species habitat in the Pilliga Forest, threaten water and agricultural resources on the Liverpool Plains and produce coal seam gas, which is 94 per cent methane, with the global warming potential 85 times greater than carbon dioxide in just over 20 years. When will the Minister's Government acknowledge the widespread opposition to Santos and kill off the threat posed by its Narrabri Gas Project and Hunter Gas Pipeline once and for all?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:52):** I thank the member for the question. It is not unexpected. She did not give me notice of it but I could tell that it was coming, which is totally fine. As members would be aware, this Government is moving to ban offshore oil and gas drilling and pipelines in New South Wales coastal waters. This matter has been an issue of some discussion for a long time and we welcome the fact that there is broad support across the Parliament for it. We have had to work carefully through the matter. There have been a range of different bills and there are some technical and important constitutional issues when dealing with them.

The bill that we believe will be put forward—I think I am allowed to talk about it because it is not yet before the House—is a sensible amendment to the legislation to protect New South Wales against the risks of offshore mining. To get to the issue that the member raised, which is the Narrabri Gas Project and Hunter Gas Pipeline, it is in a different category for a number of reasons, notwithstanding my big understanding of the community concern about those projects. This is different because the Narrabri Gas Project and the Hunter Gas Pipeline received planning approval some time ago, not under this Government but under the previous Government.

It is a matter for Santos if it decides that it will proceed with its investment in the Narrabri Gas Project. That is a different situation to where we find ourselves with the seabed mining bill that will be before the House. I understand that the member has a deep and longstanding concern about the matter and I understand how much she opposes it, but we are not talking about the same thing here. We have a planning system and we have to progress that, and that will continue in the normal way. It is an independent system and we will continue to do that. I am also aware of significant concerns from landholders about the management of that project and we are taking those seriously, but it is not the same thing.

I look forward to bringing the bill before the House, assuming it receives passage through the lower House. It is an important bill that we will be dealing with in the coming weeks. I thank everyone who has campaigned on this matter, particularly my colleagues on the Central Coast and in the Hunter who have worked hard. I give a shout-out to our former candidate for Terrigal Sam Boughton, who has almost made it his life's mission to secure this position. We are not talking about the same things. We have to make these decisions on the way through, and I will leave it at that.

### ISRAEL-PALESTINE PROTESTS

**The Hon. JACQUI MUNRO (11:55):** My question is directed to the Treasurer. How much taxpayer money has been spent since 7 October 2023 on security and police for protests organised by the Palestine Action Group Sydney?

**The Hon. DANIEL MOOKHEY (Treasurer) (11:55):** I thank the Opposition for the question. It is a good way to start the year for the Opposition to ask questions. I hope that the member will soon inspire the shadow Treasurer to ask me a question this year. In respect to the specific details that I am asked about, I will take them on notice. I simply make the point that the NSW Police Force does an excellent job. It is performing an admirable role in maintaining community cohesion and ensuring that a person who wishes to speak out about Palestine is able to do so freely, as is a person who wishes to speak out about Israel.

Many members in this House have seen that work firsthand and many people in the communities from both sides respect very much the role that is played by the NSW Police Force. The police officers who are doing this are doing a tremendous job. It is incurring a cost, but that cost is in order to maintain people's democratic rights regardless of where they come from, what position they support or what cause they protest, be it issues to do with climate, unions, industry or foreign policy.

We will of course support the NSW Police Force on performing that role. I have made it clear to the police, as Treasurer, that if they should ever find themselves in a situation where they require more resources, not just to manage the specific issues that have been mentioned by the member but issues in general to do with community cohesion, they will get that from this Government. On an entirely unrelated matter, I recall last year when tensions emerged and aspects of the subcontinent diaspora required additional police resourcing and outreach and the police again performed a magnificent role in responding to the community's concerns and managing difficult social situations like that. The NSW Police Force will always have the support of the Government as it goes about ensuring that people can exercise their democratic rights safely.

**The Hon. JACQUI MUNRO (11:57):** I ask a supplementary question. Will the Treasurer elucidate that part of his answer when he spoke about the costs incurred because of those protests? I am wondering if Treasury has provided him with any estimates of the economic impact on businesses in the CBD from those protests.

**The Hon. DANIEL MOOKHEY (Treasurer) (11:58):** Insofar as any advice coming from the Treasury as to its economic impact, the answer is no. I have not sought, nor has Treasury provided me, modelling on its economic impact. Protests in our city happen routinely—almost every Sunday. Multiple protests happen at the same time for multiple causes. I recall one particular weekend last year when there were four to five discrete protests all happening in the vicinity of Town Hall. Each of those protest organisers, particularly in recent times for those who wish to express their view on certain issues in the Middle East, have been very cooperative with the police to minimise such impacts on businesses. That happened, for example, when the NSW Jewish Board of Deputies organised a vigil and when the Australia Palestine Advocacy Network worked with the police to ensure that impacts were minimised.

The fact is that we should take pride as a State and as a country that we are able to manage these issues in such a way that people can express their views, businesses can continue to trade and police can be kept safe. I remind the House that such a balance is precious, and it is not the case that we have seen it worldwide. We have seen in other places that when similar issues have been ventilated, similar outcomes have not been reached. I should also make this point: I am in regular contact with Business NSW, Business Sydney, Business Hunter and many other groups. So far none of them have raised any concerns with me about the impacts on businesses. Should they raise any such concerns with me about any of these protests—again, be they climate or labour movement-type

protests or any other form of political activity that includes people exercising their right to free assembly—I will take them very seriously. But so far no-one has. [*Time expired.*]

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

#### WILLYAMA HIGH SCHOOL

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (12:00):** I provide some further information, which I think is important, in relation to the question about Willyama High School in Broken Hill. It is important that the community are aware of up-to-date information. During question time I sought further information about the situation. The advice that I have at the moment is that it is suspected that carpet cleaning during the school holidays with closed windows and humidity has caused this particular incident, but the Government is working closely with the department of health and has reported the incident to SafeWork. It is important that the community have that up-to-date information today.

#### *Supplementary Questions for Written Answers*

#### WILLYAMA HIGH SCHOOL

**The Hon. SARAH MITCHELL (12:01):** My supplementary question for written answer is directed to the Minister for Western New South Wales, particularly in light of the additional information that the Minister has just given to the House. Given that the reports are that the extensive investigation by a hygienist into the mould outbreak at Willyama High School has not yet concluded and given that the Minister just said that this was an incident that occurred over the school holidays, can the Minister advise the House on what basis she justifies the assertion that she made earlier in question time that the cause of the outbreak predates the election of the Minns Government?

#### *Questions Without Notice: Take Note*

#### TAKE NOTE OF ANSWERS TO QUESTIONS

**The Hon. SAM FARRAWAY:** I move:

That the House take note of answers to questions.

#### BUS MANUFACTURING INDUSTRY

**The Hon. SAM FARRAWAY (12:02):** I take note of answers given by Minister Houssos. I would only describe her answer as totally disappointing and underwhelming. For a Minister who talks a big game about domestic manufacturing and backing this State, it was not much of an answer. In her capacity as the Minister for Domestic Manufacturing and Government Procurement, my question to the Minister was specifically about the total incompetence of the transport Ministers and Transport for NSW around ordering new school buses for our regional kids. Some 97 buses need to be replaced across regional New South Wales. The reality is that not one of those buses have been ordered to be manufactured and put in the pipeline for 2024. That is shameful. That is shocking. That is total incompetence from a Labor Government that talks big on domestic manufacturing and building stuff in this State.

A domestic bus manufacturer based in Macksville, Express Coach Builders, has been around for 28 years. It has trained up and employed more than 100 apprentices and trainees in its time, but it has had to reduce its workforce by 25 per cent since October last year. The company does not have any orders in the pipeline. It is a preferred contractor for school bus builds in this State, and it is advancing through to the zero-emissions bus scheme that the former Coalition Government put into place—which this Government, I think, will honour. The reality is that there are only a few domestic bus manufacturers in New South Wales. To my knowledge, the only orders that this company has are from Victoria. That is because Victoria is ordering buses, and we have a totally incompetent State Government that does not practise what it preaches.

If the Government wants to talk about domestic manufacturing and it wants to back in manufacturers in the State of New South Wales, the way to do that is to actually order their product and back those businesses. Instead, we have companies like Express Coach Builders in Macksville, which I believe, from what I have been informed, may have to close its doors within a matter of weeks. It has gone through a 25 per cent reduction in workforce since October and is looking at having to close its doors because of the total incompetence of transport Ministers and Transport for NSW. That is a huge indictment on this Labor Government. It really needs to take this seriously. She has left the Chamber, but I urge the Minister for Domestic Manufacturing and Government Procurement to get involved, get on the phone to the Premier, get those transport Ministers to do their job properly and fix this issue. Let us together back in bus building in New South Wales.

## COAL PROJECTS

### COAL AND GAS MINING

**Ms SUE HIGGINSON (12:05):** I take note of the answer given by the Hon. Penny Sharpe, the Minister for Climate Change, Minister for Energy, and Minister for the Environment, to the question about the strategic statement on coal, the statement on gas and the new climate law that this Parliament worked so collaboratively on to ensure that New South Wales had legislated targets to reduce our emissions. The Greens were not entirely satisfied with the targets that we legislated, but we legislated and we agreed to them on the basis that we needed to make a serious start.

Since introducing those laws late last year, the science and the evidence just keeps rolling in at rapid rates that we have lost our chances to maintain temperatures below 1.5 degrees. Right now we have a strategic statement on coal and we have a strategic statement on gas. It is seriously policy that is getting in the way of government policy. Currently, we have an inconsistency in government policy, and it is getting in the way of what every single Australian needs. That is for New South Wales to reduce its greenhouse gas emissions, which includes emissions from coal and from gas. Nothing could be more important right now for this Government.

I understand the Minister's answer that we have some things and some mechanisms in the pipeline and ready to roll, but that is too slow. We need action now. We need the Minister to have a good, strong conversation with the Minister for planning. We need those policies to be amended. We need them taken off the table right now, and we need policy that aligns with this current Government's policy and this current Government's legislation. Those statements delivered to this State by former Deputy Premier John Barilaro must be put where they belong—on the fire. They must be taken off the settings of this Government's agenda.

What our community needs right now is hope and action to reduce our emissions and reduce them quickly. I am super excited to work with this Government to look at how we get rid of those strategic statements. Right now we have a planning system that is not properly aligned with the Government's legislation on climate. It is fundamental that we do not wait. We have to get this work done. We have to get the ball rolling. We know that the department's own Independent Planning Commission has said that those statements are getting in the way.

### OPEN STREETS PROGRAM

#### ISRAEL-PALESTINE PROTESTS

**The Hon. MARK BUTTIGIEG (12:08):** I take note of the answer given by Minister Graham to the question that I asked about the Open Streets Program. I want to underscore the significance of that great initiative. It sounds like a small thing, but it is substantial in terms of the benefit that it gives to the community. As the Parliamentary Secretary for Multiculturalism, one of life's enduring pleasures is to see Sydney and New South Wales manifest the idea—and I know there is bipartisan support for this—that Australia, and New South Wales specifically, embrace the concept of multiculturalism and we help councils financially facilitate that expression of multiculturalism through events. Lunar New Year has just started. Allowing councils the economic benefit of facilitating their communities to go out and celebrate is a great thing.

I just went onto the website of Transport for NSW. For councils, it is a simple matter of going on there and reading a brief introductory statement and then clicking "apply now". As long as the criteria is met, there is up to \$150,000 available. As the Minister said, it is a significant cost to shut down streets to allow the community to celebrate, sell food and perform cultural dances. It is a great initiative. I thank the Minister for being so proactive in enlivening our great city and State and opening us up to a more public domain focused, collectivist approach to manifesting not only the human spirit but also multiculturalism.

I also take note of the prescient answer from the Treasurer to the question the Hon. Jacqui Munro asked with respect to the economic cost of allowing people to express their democratic ideals. In this case, it was with respect to people protesting for Palestine but, as the Treasurer pointed out, it could be any number of causes. The idea that we would try to somehow subvert that process by suggesting that it is too costly and we should not pay police to facilitate protests is a worrying development. The beauty of this country and, again, this State and city is that people have the wherewithal to express their democratic opinion, protest and make a point in peace. We cannot, and should never ever, bottle up community opinion just because we do not necessarily agree. To use excuses like "It costs too much" or "We shouldn't be paying for it" cheapens our democracy.

### GENERAL PRACTITIONER PAYROLL TAX

**The Hon. DAMIEN TUDEHOPE (12:11):** I take note of the answer given by the Minister for Finance relating to payroll tax liabilities of GP clinics. She has now been the Minister for 10 months. The issue was raised in relation to a bill brought before the House last year in August. In response to the Opposition's concerns, the Minister paused audits relating to GP clinics. The fact is the pause did not relieve any liability of those GP clinics

for payroll tax already incurred. It did not give any relief to GP clinics for any future liability for payroll tax. The amendment moved by the Opposition at the time to the miscellaneous revenue bill would have given certainty to those GP clinics in respect of their potential liability.

The issue is affecting frontline services, and the Minister needs to resolve it. The time for blaming others has finished; the time to act is now. She is the Minister. Rather than issuing press releases blaming others, she should tell us what she is going to do as the Minister who is the decision-maker on the issue. She should stop the blame game, get on with being a Minister and show us that she has a solution to a problem that will affect frontline services. It will affect what people are paying to visit their GP. It will affect emergency departments at hospitals. It is time to start acting like a government and stop acting like an opposition.

The only thing that the Minister wants to do when she is in the Chamber is blame others for decisions that she should be making. That is the problem that the Minister has. It is never about decisions that she has made; it is always someone else's fault. The time for blaming others stops at some point, and it has to stop in relation to important decisions that she should have already made. As the Hon. Sam Faraway said, she is responsible for domestic manufacturing. Does that mean anything? It means that she makes decisions or engages with others to make sure that decisions are made. Otherwise, her title is irrelevant.

### GENERAL PRACTITIONER PAYROLL TAX

**The Hon. CAMERON MURPHY (12:15):** I too take note of the answer that was given during question time by the Minister for Finance about GPs and payroll tax. I listened to the previous contribution by the Hon. Damien Tudehope, and I think what we need in this debate is some truth and a proper reflection of the facts. This is yet another example of Opposition members bemoaning an issue that they failed to deal with while they were in government. We hear them almost every week asking questions during question time about various programs and claiming that some program was cut when there was absolutely no funding for it in their forward estimates and it was, in fact, something that they cut themselves. This is yet another example of that. This emerged in 2008 when those opposite were in government. They did nothing about it and now they are saying, "Oh, why hasn't the Government immediately made a decision and dealt with the problem?"

This issue is worse than the others that Opposition members have raised about funding cuts, because they made the decision to chase down GPs and argue that they had to pay payroll tax. The whole reason that we are having this debate today, that such questions are being raised in question time and that the issue is featuring in newspapers is that Opposition members took GPs to court seeking payment of payroll tax. Now, all of a sudden, they try to pretend that they care about the fate of GPs and say that the Labor Government should somehow intervene and fix an issue that they squarely created when they were in government. That is the sort of activity that we can expect from Opposition members. Rather than coming up with any new policy ideas, they just bemoan things that they failed to fix while they were in government. Worse than that, they will not even jump on board policy initiatives of our Government that are quite good.

**The Hon. Wes Fang:** Like?

**The Hon. CAMERON MURPHY:** Like the toll cap. What is their position? They oppose the toll cap, a cost-of-living measure that will benefit the people of Sydney and the people of this State. They oppose it. That is what we expect from the Opposition. I would not listen to anything that the previous speaker said in relation to this. Those opposite caused the problem. We are fixing it.

### GENERAL PRACTITIONER PAYROLL TAX

#### WILLYAMA HIGH SCHOOL

**The Hon. SARAH MITCHELL (12:18):** I take note of some of the answers given today. I briefly mention the contribution by the finance Minister in relation to GP clinics. I commend the Leader of the Opposition for his work in calling that out today. The reality is there are GP clinics, particularly in regional New South Wales, that are concerned about their viability. The Minister for Regional New South Wales is in the Chamber; she should be listening to this as well. Those clinics need to get some clarity and answers from the Government on those issues. The Hon. Damien Tudehope asked a simple question today of the Minister relating to whether GP clinics will be liable to pay all overdue payroll tax. There was no answer. If anyone operating a GP clinic listened to that answer from the Minister, they would be in even more doubt and would have no clarity in terms of what will happen going forward.

That is a really big problem, particularly in regional communities where we rely heavily on GPs for the provision of health care. Of course, that will also put pressure on emergency departments in regional communities where a lack of GPs is already an issue. This will only add to that problem, which is a big concern. The Government was elected, and its Ministers must make decisions. At some point they must decide what they are

going to do. They cannot forever blame the former Government. They must take accountability for the roles they have been given. It is not all about the salary increase and the shiny white car. Ministers must make decisions and be held accountable for them.

Again, regarding accountability, I highlight what is happening at Willyama High School. The fact that the Minister for Western New South Wales in her answer today made outlandish assumptions about the cause of the issue and blamed the former Government—that is the only trick in the Government's arsenal—was out of touch. The Minister for Western New South Wales did not have the information about what was going on in that school community after it was all over the media last week. ABC Broken Hill approached the education Minister for comment but did not receive any for a day or two. Finally, the Minister was forced to provide information, but a lot of questions are still being asked in that community.

Parents are concerned about what is going on. There is no clarity about when the children will return to the school site. The Government has made no firm funding commitment to remediate or do a knockdown rebuild if that is what is needed, and the money is not there from Treasury. People are worried about that issue. Again, tough issues arise in government. That is the very nature of government. Ministers must deal with these problems, alleviate the community's concerns and instil faith in the community that they are taking these issues seriously. I guarantee that if this issue arose at a Western Sydney school, the education Minister would not have disappeared for at least 24 hours. People in western New South Wales deserve strong representation and they deserve to know that the Government has their back. We have not seen that on this issue. We will continue to prosecute the matter. *[Time expired.]*

### ART GALLERY OF NEW SOUTH WALES

**The Hon. SUSAN CARTER (12:21):** I take note of the answer given by Minister Graham in relation to a question about Art Gallery funding. I am delighted to note that, as the Minister said, following the budget estimates process the Government has realised that it short-changed the Art Gallery and that it has found from somewhere—under the floorboards or at the bottom of the cupboard—a further \$12 million to meet the gaps in recurrent funding. Unfortunately, despite the Minister's answer, we still do not know where the additional funding will come from, other than that it has apparently been "allocated from elsewhere in the cluster". The question about where the funding will come from remains unanswered, and the matter of what arts programs in the cluster were cut to fund that necessary uplift in funding for the gallery still remains a mystery.

Having said that, \$12 million for the Art Gallery is welcome indeed. I note the Minister indicated that the \$12 million increase was a one-off for this year. Of course, the issue that was exposed at estimates did not relate to capital or one-off funding; it related to recurrent funding. The gallery needs at least that \$12 million increase this year and every year, and not as a one-off payment. In fact, when asked at estimates about the increased activity relating to the Sydney Modern Project and whether there would need to be a higher new normal for recurrent funding, Dr Brand replied:

In the future, when we double our size, effectively, there will be additional funding needs.

Apparently that was provided as a one-off and not as the necessary, continuing recurrent funding. I understand from the answer given by the Minister that an audit process is underway. Hopefully that will explore why the gallery has raised prices for its signature blockbuster exhibitions by 17 per cent—presumably that was an effort to meet its funding shortfall—and why the budget projections have retail income almost doubling, from \$4 million to \$7 million, at the time of a cost-of-living crisis and when other retail sectors are contracting. It would be quite an achievement indeed if that budget forecast came true.

Even with those price hikes in exhibition fees, the projected increase in retail earnings and the additional \$12 million that has been provided, the unanswered question is how many Art Gallery jobs will be cut because of funding cuts. A restructure was flagged because of the funding shortfall. Let us hope that restructure does not involve job cuts because the Art Gallery has not been properly funded by the Government.

### GOVERNMENT PERFORMANCE

**The Hon. WES FANG (12:24):** Mr Assistant President—

**The Hon. Anthony D'Adam:** Point of order: The honourable member was not present for the vast majority of question time, so it beggars belief that he could possibly take note of answers.

**The ASSISTANT PRESIDENT (The Hon. Peter Primrose):** There is no point of order.

**The Hon. WES FANG:** That point of order goes to show the lengths to which those opposite will go to try to shut down my contributions to debate in this House. The member's point of order did not cite the standing orders. I take note of answers given in question time today. Specifically, I take note of the general tone of the answers provided by those opposite, which demonstrates the problems with the Government, whose members still

have an opposition mindset. Ultimately, they take no responsibility for anything. Everything is someone else's fault: It is the previous Government's fault, it is someone else's fault, it is another government's fault or it is another department's fault.

When will members of the Government accept that they are now in government? They have been in government for almost a year. Ultimately that means that they are responsible. There is a lack of responsibility from the Government. Its members have obfuscated time and time again during question time. I point to the Minister for Finance's non-answer. She spent three minutes ranting, at best, about the Opposition. At some point the Government must start answering the questions asked by the Opposition, and it must start being responsive to orders for papers under Standing Order 52 that are made by members of the crossbench and Opposition. We have already had that debate today.

**The Hon. Penny Sharpe:** Didn't that go well?

**The Hon. WES FANG:** Yes, it did go well. Ultimately the crossbench has put the Government on notice because it is not honouring the motions of the House, as was made clear today. The Leader of the Government may continue with the position that the Government has done nothing wrong. I invite her to continue flouting the rules as best she can to avoid transparency and scrutiny.

**The Hon. Greg Donnelly:** Point of order—

**The Hon. Penny Sharpe:** You are canvassing a decision of the House.

**The Hon. Greg Donnelly:** That is so, but the direct attack on the Leader of the Government of the House about flouting the decisions of this House is extraordinary. There was no evidence of that. If the member wishes to make direct imputations against the Leader of the Government or anyone else, he knows full well—as he keeps showing us his encyclopedic knowledge of the standing orders—that he must move a substantive motion in the House.

**The Hon. WES FANG:** Yes, I did that.

**The Hon. Greg Donnelly:** The member ought do that and he ought not reflect on the Leader of the Government or, indeed, any other member of this House.

**The ASSISTANT PRESIDENT (The Hon. Peter Primrose):** Interjections are always disorderly. The Hon. Wes Fang's time has expired. Pursuant to standing orders debate is interrupted to allow the Minister to respond.

#### TAKE NOTE OF ANSWERS TO QUESTIONS

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (12:28):** I take note of answers and the take-note debate this afternoon. This question time was a clear demonstration that this Government is wholly and solely focused on delivering for the people of New South Wales, particularly in relation to cost-of-living measures to support people through these difficult financial circumstances. We are getting on with the job of making sure regional New South Wales is getting its fair share of attention and encouraging people to move to the regions, which was the answer I provided today. We are doing terrific work in the area of domestic manufacturing, which Minister Houssos outlined today. I congratulate her on the great work she is doing in that space.

The most relevant way for me to wrap up this take-note debate is to use the contribution of the last speaker, the Hon. Wes Fang, who was in fact thrown out of question time today. Instead of being focused on delivering for people of New South Wales or regional New South Wales, for that matter, the Opposition and others are trying to turn this place into a circus. This is a serious House of Parliament, one which those members on this side of the House take seriously. We are completely focused on the role of this House, which is to deal with the issues of the day affecting the people of New South Wales.

I highlight that the reason the Hon. Wes Fang got thrown out was his excited reaction to my description of the National Party Christmas party in Woolloomooloo, of all places. It was held at one of the fanciest restaurants in the whole of Sydney, with lovely views of Sydney Harbour. I understand from newspaper articles that 50 cocktails were consumed. Cocktails are pretty expensive, but National Party members are happy to enjoy Sydney Harbour—not regional New South Wales—in a fancy restaurant drinking 50 cocktails.

But the most important part of that story is that they had a bottle of Bollinger, which was described as a "secret Santa" gift. Most organisations have a limit of \$10 or \$20 for a secret Santa gift. Can anyone in New South Wales imagine a circumstance where a workplace would be distributing a bottle of Bollinger as a present? Maybe it would happen in a high-end workplace like Macquarie Bank. Talk about being out of touch! National Party members do not understand what is being felt across the communities and regional New South Wales. When the

National Party gathers in Woolloomooloo, giving each other bottles of expensive Bollinger champagne as Christmas gifts, they cannot be more out of touch.

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

**Motion agreed to.**

*Written Answers to Supplementary Questions*

**DEPARTMENT OF PRIMARY INDUSTRIES DIRECTOR GENERAL**

In reply to **the Hon. SAM FARRAWAY** (6 February 2024).

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

I was advised by the secretary of the department prior to Mr Hansen's departure on 19 January 2024.

Matters regarding the department's staffing are the responsibility of the department.

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

*Private Members' Statements*

**BERT EVANS APPRENTICE SCHOLARSHIPS**

**The Hon. STEPHEN LAWRENCE (14:01):** I recognise and congratulate the 150 outstanding apprentices from across New South Wales who have been awarded a Bert Evans Apprentice Scholarship, as announced by the Minister for Skills, TAFE and Tertiary Education, the Hon. Steve Whan, last week. The scholarship provides vital support to apprentices who are facing hardship by providing \$15,000, spread across three years. These individuals have demonstrated a strong aptitude for vocational education and training in difficult circumstances. It is inspiring and underscores their resilience and commitment in pursuing their goals, despite adversities.

The scholarship was named after Albert "Bert" Evans, AO, who was an instrumental employers' leader, a vocational training mentor and a key figure in pioneering universal superannuation for Australian workers. I read online today that he worked tirelessly towards a more cooperative way to manage union and business interests. I particularly recognise that the 2024 cohort of winners includes 45 Aboriginal and Torres Strait Islander apprentices, 67 learners with disabilities, 46 women excelling in non-traditional trades and 64 mature-aged apprentices. Very importantly, 116 of the recipients come from regional New South Wales. I congratulate the recipients of this scholarship from my duty MLC electorates of Barwon, Dubbo, Cootamundra, Orange and Bathurst. The financial support that all winners will receive will undoubtedly have a positive impact on their lives.

I particularly acknowledge Sienna Smith from the electorate of Barwon; Angus Swain, Bill Cooper, Charlie French, Grace Neal and Hayley Putland from Cootamundra; Abbey Bridle, Benjamin Fisher, Blake Kassell, Hope Spears-Hoogers, Jack Finlay, Joshua Markovic, Lane Doyle and Tray Blattman from Dubbo; Aaron Azzopardi, Christie Pisani, Ernest Jones and Tiarna Martin from Orange; and Harrison Bennett from Bathurst. Their chosen vocations cover a diverse range of skills training, including in hairdressing, hospitality commercial cookery, electrotechnology air conditioning and refrigeration, heavy commercial vehicle mechanical technology, electrical trades, and plumbing. Apprentice scholarship programs such as this underscore the Minns Government's ongoing strong commitment to the vocational skills sector.

Today the Premier, Minister Dib and Minister Whan announced that a \$93.5 million investment, which was committed to during the State election, will provide an opportunity for up to 1,000 apprentices and trainees to join more than 30 government agencies and State owned corporations. I also note that applications are now open for the NSW Public Sector Apprentices and Trainees Program. I encourage those interested to apply.

**KERRS CREEK WIND FARM**

**The Hon. SAM FARRAWAY (14:04):** I use my time today in private members' statements to talk about a renewable energy project that is proposed just within the Dubbo Regional Council area but is also close to the Cabonne shire as well: the Kerrs Creek Wind Farm. From my dealings and meetings with constituents and concerned landholders on the ground in that region, there has clearly been a lack of genuine consultation and follow-up on the concerns that impacted landholders have raised. The developer, RES Group, has not delivered during the community consultation process. I and many of those impacted landholders and community members find it totally unacceptable. It has been to date nothing short of a tick-the-box exercise for RES Group on the project site. Many landholders have reported a lack of communication, and some who live adjacent or in close

proximity to the project have reported no communication at all. That is very disappointing. When approached about this, RES Group said there are safety concerns with visiting impacted landholders. I can only see that as a bit of a cop-out. I urge that developer to do better.

I have been calling for the environmental impact statement process to be halted immediately and to get RES Group to sit down with both neighbouring councils, mayors, community groups and members from the Voice for Cabonne to hear their concerns and address them properly. In December I attended a community forum held at Molong RSL club. It was clear at the forum that there are serious concerns with this proposed renewable energy project, such as the poor community and local government consultation, the potential insurance issues for adjacent landholders, the fact that community enhancement funds are not being directed into the Cabonne shire, the social impacts on the local community and the lack of thought on how the local road network could handle the project.

The community has been given little or no detail on how RES Group will overcome the logistical challenge of transporting turbine blades through their area, which unfortunately leads us to think the worst. The only way they can get the 80-metre-long turbine blades through Molong is to essentially take out the Molong pool. That is a critical piece of infrastructure for that community, and there has been absolutely no conversation or plan as to how the enabling infrastructure on the Mitchell Highway will be addressed. For those reasons I call for the project to be halted and for the concerns to be addressed. If they cannot be addressed, the project should be considered for cancellation.

### RENEWABLE ENERGY

**The Hon. TANIA MIHAILUK (14:07):** Yesterday I had the opportunity to speak at the Rally Against Reckless Renewables outside the home of democracy in Australia, Parliament House in Canberra. It was very heartening to see so many Australians from every walk of life come together for this significant rally, which I agreed to attend last year at the Port Stephens anti-offshore wind farm rally. I acknowledge the many residents who attended from regional New South Wales, including the Central West, coastal communities and the Hunter Valley. As I said, it was heartening to see so many residents there who have had a gutful and had enough of an agenda that has encompassed both Federal and New South Wales parliaments.

I comment specifically on the 43 per cent by 2030 emissions reduction target that Federal Minister Bowen has set, which sadly the Federal Coalition agreed to. This Parliament passed far more draconian net zero targets last year. Sadly, the New South Wales Liberal-Nationals worked together with The Greens to achieve the worst net zero target in the country: the 70 per cent by 2035 reduction target that will see most, if not all, of the State's power stations shut by that year and many renewable projects fast-tracked throughout State, to the detriment of regional New South Wales, particularly communities like Port Stephens, the Illawarra and the Central West that are fighting this agenda. The biggest issue that we face is that to meet the draconian 2030 target the proportion of the energy market that has to come from renewables is 82 per cent. That is why communities are concerned. They will lose their sense of community, their businesses and the industries that they rely upon heavily, not only economically but also socially.

This is a wonderful opportunity for me to work together with my Federal counterparts. I thank Pauline Hanson and Malcolm Roberts for attending the rally. Many other politicians attended the rally as well. It was important to send a strong message to the communities, particularly in regional New South Wales, that as a party One Nation stands with them. We know that they are disheartened with the Coalition, particularly The Nationals. It cannot be forgotten that in this place it was the Coalition that moved the amendment for the 2035 net zero target of 70 per cent and that it worked with The Greens, to the detriment of the very communities The Nationals professes to represent. I again thank Grant Piper and all of the organisers for the invitation to attend. I look forward to attending future rallies fighting for the communities of New South Wales.

### ROUSE HILL HOSPITAL

**The Hon. PETER PRIMROSE (14:10):** Labor is delivering on its promise to rebuild and bolster health services and the healthcare workforce across New South Wales. In my area, Labor will build a hospital in Rouse Hill, not the day medical clinic that those opposite wanted to build but a full-scale hospital with inpatient facilities and services. Those opposite in their last budget in 2022 said that their preferred option for the Rouse Hill Medical Clinic would not option until 2027. In the last budget papers that they released there is one mention of when that medical clinic would open. It was clearly stated that the completion would occur in 2027. A sod may have been turned in early 2023, before the election, but frankly that did nothing to build an actual hospital.

A site stood empty since 2018 and only a looming election brought any action by those opposite, which involved three shovels. The only construction for all of that period was a dingy sign and some dilapidated plastic sheeting around the proposed site. Under Minister Park, Labor will build an actual hospital in Rouse Hill that has much-needed facilities, including inpatient and specialist care, and considers the real needs of the north-western

Sydney community. That hospital is scheduled to open in 2028. It is a one-year difference and the local community will have real hospital facilities and not a day-only medical clinic.

Minister Park also acted very quickly recently when the St John of God Health Care service advised that it would not continue to run Hawkesbury Hospital. The New South Wales Government assumed responsibility for Hawkesbury Hospital. Anyone accessing the hospital can be assured that they will continue to receive high-quality, safe and compassionate care. The hospital will remain open whilst the transition back to the New South Wales Government takes place. Clinic hours and public patient appointments will not be impacted. Rightly so, New South Wales has world-class healthcare services and this will continue in the Hawkesbury. I applaud Minister Park's ambitious plan to rebuild our State's healthcare workforce. The way Labor is doing that includes: implementing safe staffing levels of nurses and midwives, beginning in emergency departments; having more than 1,000 junior doctors start work in New South Wales; and making over 1,000 previously casual nursing positions permanent. That is what a Labor Government does.

### COUNTRY SHOWS

**The Hon. AILEEN MacDONALD (14:13):** I celebrate the return of country shows. While Sydneysiders look forward to the Royal Easter Show this year, it is the country shows which truly showcase the virtues of regional and rural New South Wales. Where I live, in Guyra, in northern New South Wales, our show is coming up on 16 and 17 February, celebrating 116 years. February is certainly the month for country shows around the State. Within the next two weeks there will be shows in Glen Innes, Dunedoo, Cobargo, Nowra, Henty, Crookwell, Oberon, Bega, Gundagai, Kangaroo Valley, Gulgong, Maitland and Ashford. What better way is there to showcase how rural and regional New South Wales is the lifeblood of the State when it comes to bountiful produce?

Country shows are an ingrained part of Australian society, with the first one held in Hobart in 1822, the next in Sydney the following year and then spreading to 580 regional shows throughout the country. I love the annual show in Guyra. One of the highlights is the Guyra Long Lunch, which includes cooking displays using local produce, and of course our famous men's cake cooking and decorating competition. It is a hoot. Already the local social media is flooded with baking and decorating content in the lead-up to the event. The men who enter the event are fiercely competitive, with a "take no prisoners" attitude. And we love it.

I tend to believe that for these blokes it is a form of therapy. It is great that they have an opportunity to embrace a softer side, with talk in the pubs, clubs, saleyards and woolsheds turning to frosting, butter cream and how to achieve the fluffiest sponge cake. The reality is these country shows, and this competition in particular, highlight a healthy creative outlet and the chance for the community to come together and celebrate all the reasons why we choose to live a rural lifestyle. I place on the record that the continuation of these country shows is thanks to the tireless efforts of many selfless volunteers. In short, it is a time to let your hair down. A day at the show is a great day out and proves that you can have your cake and eat it too.

### ROADSIDE DRUG TESTING

**The Hon. ROD ROBERTS (14:16):** This is a case of *deja vu*, except that last time I was standing at the lectern opposite. It is *deja vu* because in 2020 I addressed the Chamber about this topic and here I am repeating myself. Why am I repeating myself? Because the same problem exists and no-one has done or said anything to address it. In fact the situation has got worse. I am talking about roadside drug testing or, more correctly, the lack of roadside drug testing. In September 2020 I alerted the House to the extremely concerning fact that in the financial year ending 30 June 2020 New South Wales police conducted 4.6 million random breath tests, of which approximately 15,000 were positive. This is not a good figure, but represented only one driver in 310. However, in the same period the police conducted 173,000 drug tests, with 12,500 positive, meaning one driver in 14 on our roads tested positive to drugs. This is outrageous.

As they did back then, the lefty, hand-wringing apologists say, "You're just picking on people smoking cannabis recreationally." They make the usual excuses. But it gets worse. Of those who tested positive, over 60 per cent were for methamphetamine or ice, one of the most dangerous mind-altering substances available. As I said, I alerted the House to that fact back in 2020. What has happened since then? The wheels have really fallen off the wagon. In the year ending 30 June 2022, police conducted only 120,000 random tests. They have gone backwards—some 53,000 fewer tests—but a positive return rate of 14.6 per cent. In the year ending 30 June 2023 they did even fewer random tests, only 114,000, but with positive results now over 15 per cent. In the same three years, over three million alcohol tests were conducted, with a positive return rate of 0.64 per cent.

Clearly drugs are the biggest issue when it comes to drivers on the road being under the influence. And what are we doing about it? We are testing less. I know there are not unlimited resources, but surely a greater emphasis and greater allocation of resources should be directed towards drug testing. We are always told to follow the signs, follow the evidence. The evidence is irrefutable: Drugs are the problem on our roads. Last year we

witnessed a horror year on our roads, with the death toll increasing by over 20 per cent. We are in February of this year but already we are up over 20 per cent, year on year. So much for the jingoistic slogan of "Towards Zero"! There must be a nexus between the increase in the death toll and the increase in the number of drug-affected drivers on our roads. I again call on the Government to do something and do it soon. The evidence is right before your eyes.

### ENGLISH MONARCHY

**The Hon. Dr SARAH KAINE (14:19):** Like many others during the summer break, I took some time to catch up on some recreational reading. One of the books that I really enjoyed was *Unruly* which tells the story of the monarchs of England from post-Roman times until Elizabeth I. One thing that was discussed was the origin of the motto of the English monarchy, which is "Dieu et mon droit". While reading about that, I remembered that I see that motto quite frequently; it is on the coat of arms in the foyer of the New South Wales Supreme Court, which I pass on my way from St James station to Parliament every day. Apparently it was also on the coat of arms that graced this Chamber until 2006.

I used my very basic French to interpret it as "God and my right", which turns out to be correct. What I did not realise until I read this book was exactly what this motto meant. I had mistakenly thought that the "my right" part of this motto was something to do with the right of individuals, and given that it is pride of place and unmissable in the Supreme Court foyer I presumed that those rights were things like equality before the law, fairness et cetera. It turns out I could not have been more wrong. The motto is about the God-given rights of monarchs to rule. I know we are not yet a republic and I know that means we have some anachronistic aspects to how we do things, particularly in Parliament where we even have a standing order that mandates how we speak about the sovereign, but there is something deeply disturbing about this fanciful notion being anywhere near our justice system.

One thing that was very clear from reading this book is that the motto of the monarchs has been very malleable throughout history, depending on which branch of an inbred aristocracy had enough money and foot soldiers to claim the crown. That is, there was no such thing as "Dieu et mon droit"; more like "buying power and brute force", but I did not know how to translate that into French. While I hope we become a republic in my lifetime, even if we do not it is insane for us to cling to a misguided medieval legitimisation of power. Obviously becoming a republic or otherwise is a Federal issue, but each State, including New South Wales, is also a constitutional monarchy, with the Governor being the King's representative.

As we approach the bicentennial celebrations for this Chamber, including the pomp and ceremony regarding the sovereign of this State, we should reflect on what part of our democracy it is that we are actually venerating. I am happy to celebrate the vibrant democracy that we have in New South Wales but I am not willing to defend or celebrate a tradition and an institution that is based on an imaginary legitimacy that has been gained through machinations amongst the powerful in a society long distant in time and space.

### BULLI HOSPITAL AND AGED CARE CENTRE

**The Hon. JACQUI MUNRO (14:21):** On the corner of the uncreatively named Hospital Road and the coincidentally named Organs Road—named after Mrs George Organ, an early benefactor of the first hospital—sits Bulli Hospital and Aged Care Centre. This site has fallen foul of the Labor Government's reluctance to take action and the member for Heathcote's inability to effectively advocate on the community's behalf. Bulli Hospital is a critical piece of infrastructure for the residents of the Heathcote and Keira electorates. It was built by the Coalition Government and supported at the time by the Labor Government in response to the need for upgraded and updated healthcare services. Opened in 2020, the Coalition Government invested \$51.6 million in the new facility. Quoting the current member for Heathcote, "It's a terrific hospital."

After three years of operation and Landcom proposing a new housing development in the neighbouring site, residents and staff are telling their local representatives and Labor Government Ministers that parking is a top priority. There is simply not enough parking in the area to accommodate everyone. Staff are being forced to get a bus from the showground to work, morning and night. It is completely unsustainable. But instead of solutions, locals are experiencing Labor's equivocation, buck-passing and flimsy attempts to mollify the growing discontentment by kicking the can down the road. Minister Park has said that he cannot direct Minister Scully to do anything about the situation. What is the point of being in government?

A call from the Minister for Housing to Landcom could free up much-needed space for parking as part of a new development. The nearby ambulance station is an opportunity to explore also. It is one of the options that the Coalition Government was looking into prior to the election. Alas, now the Labor Government is in charge with a Labor local member. One would have thought that such a contentious and important issue might warrant a

media release. We could not find one. A notice of motion is also nowhere to be found. The locals are getting crumbs because Labor takes them for granted. The *Illawarra Mercury* reported:

Heathcote MP Maryanne Stuart met with the residents in July, and said she would be raising their concerns as a priority.

If it is such a priority, why has the Labor Government budgeted to reinstate a seven-day week model for the hospital's urgent care centre without plans for additional parking? Who is at fault? Is it the local member who is not offering solutions to her Labor Ministers? Or is it the Ministers who have failed to respond to the community's needs? If this is such a priority, why in November did Wollongong City Council have to vote to call on the State Government to immediately address the parking issues in addition to coming up with their own local proposals? Those calls for State Government action were led by Councillor Cameron Walters and Lord Mayor Gordon Bradbery, and unanimously supported. The local community is sick of the games being played. They just want a solution. How long will they have to wait under this New South Wales Labor Government?

### LOCAL GOVERNMENT ELECTIONS

**The Hon. JOHN RUDDICK (14:24):** On 24 September local council elections will be held in New South Wales. I hereby put the people of New South Wales on notice: The Libertarian Party, formerly the Liberal Democrats, will vigorously and boldly contest the elections. Many do not pay attention to local government; that is a mistake. Libertarians are the polar opposite of The Greens; we do however admire their strategy and their purity. The Greens have dragged Labor and the weak Liberals left. The Greens have prioritised council; we will too. We will contest every council and provide a libertarian counter to their socialist ideology.

Our freedom manifesto will have six planks. One, get woke garbage out of council. Councils waste untold amounts on empty virtue signalling and propaganda. Our rates are spent on COVID art, drag queen story times, LGBT museums, diversity officers, welcome to country, "racism not welcome" street signs and Middle Eastern politics. Make councils simple again—roads, rubbish and reducing rates. Two, smash the creepy surveillance state. I challenge members to google "smart cities" and the name of their council. Almost every council website has a page on smart cities. They are sold as a way to leverage IT and cameras to make life easier, but it is not CCTV. It is a way of monitoring your behaviour and will evolve into a reward-and-punishment, Beijing-style social credit system. Those Orwellian cameras are popping up everywhere. Resist now before Big Brother watches all.

Three, protect and promote private property rights. The primary goal of many councils today is to block development and inhibit the development of Australia. Private property is sacrosanct and the foundation of a free society. There will be no need to bribe a Libertarian councillor because we are going to vote in favour of all development applications that do not infringe on the property rights of others. Four, cut costs and slash rates. Councils are hiking rates—up to 60 per cent in some cases. A glaring example of waste is the phoney baloney bike lanes that cost millions to build and that even cyclists barely use. The war on cars must end. We will take a Javier Milei-style chainsaw to all costs and cut rates until the public notice.

Five, privatise council-run business. It is absurd for council bureaucrats to be running businesses that compete with the private sector, such as childcare centres, pools, sports centres and caravan parks. Six, we will support the demerger of councils. New South Wales has foolishly forced many councils to merge. When locals want to demerge, we support them. Our council campaign starts today. Wake up New South Wales! Vote Libertarian in the September local council elections.

### Committees

### PROCEDURE COMMITTEE

### Reference

### Debate resumed from an earlier hour.

**The Hon. EMMA HURST (14:28):** I support the motion and I thank Ms Abigail Boyd for bringing it before the House. The Broderick report cast a damning light on conduct within New South Wales Parliament and the fact that many members of staff in this Parliament do not feel safe from bullying, harassment, sexism and racism. All members should urgently be looking to address those matters. That starts with the conduct we model in the Chamber but also the conduct we model outside this Chamber—in meetings, discussions in offices and in the lifts. As politicians we should be setting the standard for respectful and appropriate behaviour. Far too often we fall short and, in fact, see displays of conduct that one would not find in any other workplace.

As a survivor of domestic violence, I do not appreciate comments that have been made in this Chamber implying, for example, that I should be put on a spit at the next party barbeque and other grotesque comments. Of course, those comments have never been addressed. When I have spoken up about them, it has always been met with silence from most other members or with a very soft, "Sorry, but we don't want to upset those MPs because

we may need their vote later." That is exactly how things get out of hand in this place. Bullying, sexism, harassment and racism occur because very few people want to address it in case it has political consequences. That simply is not good enough.

The motion is a sensible step forward. It will allow the Procedure Committee to "inquire into and report on updating the standing orders to require respectful behaviour in the Chamber, particularly as they relate to sexism and racism". We have standing orders about disorderly conduct and the power of the President to call members to order for this conduct, and even to remove members from this Chamber if that conduct persists. There is no reason why we cannot have similar rules regarding sexist or racist conduct. It is sensible to have the Procedure Committee explore potential approaches.

**The Hon. AILEEN MacDONALD (14:30):** I support the motion moved by Ms Abigail Boyd to update the standing orders to require respectful behaviour in both Houses of this Parliament. When I joined the Legislative Council, I volunteered to become a member of the Parliamentary Advisory Group on Bullying, Sexual Harassment and Sexual Misconduct so that I could become informed and support the work undertaken by the Broderick review. The sad fact is that New South Wales is not alone in this matter. Other parliaments around the world are reviewing and amending their policies and practices to ensure a safe workplace where freedom from harassment is the norm.

It pains me to inform the House that I have witnessed behaviour that, quite frankly, does not meet with community expectations. I have been subject to behaviour that I chose to brush off because at the time I was new to this place and wanted to fit in. As members of Parliament, we have a responsibility and a duty to be respectful and to be role models. It would be a travesty if nothing changes. I am anxious that this change is happening at a snail's pace when that change should be happening now. We can all be a part of that change. Renowned American professor and writer Brené Brown said, "What we know matters, but who we are matters more."

The general public can tune in to these sittings. Schoolchildren are regular visitors to this place. The behaviour they see is an embarrassment. This place has the nickname the "bearpit". That name is no badge of honour. It comes from an arcane mentality of a brutal time in the past. I refuse to allow behaviours that were considered acceptable in the past to rub off on me. Rather, I want our standards lifted to encourage others to consider a life in politics as a noble and respectful occupation.

At the risk of stating the obvious, our standards of behaviour are changing but, let's face it, it is happening too slowly. Instead of lip-service, let us genuinely move forward and make inclusiveness and diversity of opinion a norm that is respected rather than ridiculed. In my inaugural speech I said I was committed to seeing changes made in my workplace. Those who know me know that I am no raging feminazi. I am a woman, a wife, a mother and a grandmother who expects that decency, respect and fairness are accorded to all women in the workplace.

**The Hon. BOB NANVA (14:33):** I sincerely thank Ms Abigail Boyd for bringing this matter to the House, and I wholeheartedly commend the motion. I do not doubt for a moment that improvements have been made in this place since the Broderick review was handed down. But it remains clear, particularly to those of us who are still relatively new to this place, that much more can be done. It is not revelatory that change in one of Australia's oldest institutions, with its folklore and historic tolerances—or intolerances—can be hard fought. But it is not impossible. I say, without judgement or criticism, that some failures in culture, processes or standards are not always seen by those who have long become accustomed to the status quo. That point was strikingly made to me by Ms Lambert, a talented university intern placed in my office. She made the observation that her placement:

... was the opportunity to explore the home of the inner workings of democracy, representative government, and meaningful debate  
... an opportunity to explore my childhood dream of being a politician, when eight-year-old me planned to be the first female Prime Minister to serve a full term.

But, as a result of her experiences, she said she would now "hope to avoid any career where I am a part of this Chamber." There is clearly more to be done, including the implementation of the Broderick review recommendations. It has to be done in a non-partisan way that does justice to the people who had the courage and conviction to share their experiences and advocate change. They did not have to, but we should be thankful that they did. We cannot let them down.

The public would naturally expect the Parliament to be the standard-bearer for other workplaces around the country if we are to sit here and be a judge of their workplaces. The time has passed—if there was ever an appropriate time at all—for pressure, stress or political debate to provide a shield for blatant expressions of intolerance, harassment or a lack of basic civility towards an intended recipient in this place. To proceed in a way that assumes we are immune from the norms we expect of other workplaces obviously opens us to charges of hypocrisy, which is perhaps the most charitable criticism the public could make of us.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (14:36):** I am pleased that Ms Abigail Boyd has brought the motion

forward and that we will send it with Government support to the Procedure Committee for proper examination. The Broderick report was groundbreaking in relation to the culture and behaviour in this workplace—not just in this Chamber but across the entire building. There are hundreds of staff in this building and 135 MPs. We all have to work well together. Everyone should expect a workplace free from harassment, violence and discrimination. That is the entry-level point at which we should begin.

Members have robust debate, and I flag that there will be some tricky discussions about how the Procedure Committee will deal with this. That will include our rights as individual MPs and the fact that we are voted in by a group of people who are often very different to the people that we all find ourselves together with. But I do not think we should shy away from those conversations. At the end of the day, a higher standard will lead to a much better democratic outcome, which the general public would like to see. We should not hide from the fact that there are some pretty thorny issues here.

Finally, we talk a lot about ourselves as MPs and the workplace that we expect to have, which is fine and absolutely responsible on behalf of all of those excellent young people who we want to come through this door and to stand here in the future. We want them bold and brave, helping to solve the problems of the future. But we also need to recognise there is still a lot of work to be done in relation to staff. They are the large bulk of the people in this building and they have the least power in these matters. So while it is good for the Procedure Committee to work on all of those things, I flag that the Government is keen to keep cracking on with the other work of the Broderick review and to get that right. I acknowledge the work of the Presiding Officers in terms of input and the new structures that they are driving through. We welcome that approach. We need to make sure that all of those things happen at the same time. We all love working here, but we need a workplace where people can be fully and freely themselves, where they can fully and freely participate, and where they can enjoy coming to work every day.

**Ms ABIGAIL BOYD (14:39):** In reply: I thank all members for their contributions to debate on the motion. In response, I start with the contribution from the Hon. Mark Banasiak, to which I say that this isn't about him. I understand that an article was written about this issue last week and that that article mentioned, as just one example of sexist behaviour in the Chamber, the contributions from the Hon. Mark Banasiak to a particular motion last year. That was one example of inappropriate behaviour but unfortunately the sexism in this place goes far deeper than that. Take, for example, the Hon. Mark Latham's obsession with my experiences of child sexual assault. Rather than being able or willing to intellectually engage with the substance of my proposal, we have yet another example of instead making comments directed to the characteristics of the person putting forward the proposal.

That is a particularly egregious form of sexism—the idea that if someone has been the victim of sexual assault at some point, then they cannot be taken seriously on an issue without their motivations and sanity being questioned in the process. What a double whammy that is. Not only do women who have been the victims of sexual assault have to battle against victim blaming and all the other barriers to justice, apparently forever more they will be subjected to characterisations of them being inhibited in their abilities to do their jobs because of their victim-survivor status. That is misogyny.

Once again, we have another example of the Hon. Mark Latham proving my points for me. Those comments and this sort of behaviour directed against a colleague in one's workplace would never be accepted in any other workplace in Australia. They would not just be called out but they would be actionable under laws designed to keep our workplaces safe. But here in this Chamber, they result in no real consequence. During debate members mentioned the number of complaints to the Independent Complaints Officer since that role was established but left out was the fact that the ICO's remit only applies to words said outside of this Chamber. Again, that is the point here.

This motion, and the recommendation it is based on, is not intended to curb spirited debate in this place. It is not intended to stop the banter or even reduce the noise levels. It is intended to stop those sexist and racist comments and behaviours that prevent this place from being an inclusive and safe workplace for everyone. This is not about me and it is certainly not about the Hon. Mark Banasiak; it is about the welfare of every person who works in this environment in whatever capacity, for this cohort of members, for future members and for all staff in this place. Whether or not this referral results in changes to the standing orders, change will only really happen when we take active steps together to change the culture of this place. It is the very act of coming together and deciding to progress this issue that will begin to erode the culture of impunity that exists in this place. I encourage everyone to think about what small actions they can do every day to help chip away at this harmful culture to reveal a progressive and modern Parliament.

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

**Motion agreed to.**

*Documents***TRANSPORT ORIENTED DEVELOPMENT PROGRAM****Production of Documents: Order**

**The Hon. SCOTT FARLOW (14:42):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 25 March 2023, in the possession, custody or control of the Premier, the Minister for Planning and Public Spaces, the Premier's Department, the Cabinet Office, or the Department of Planning, Housing and Infrastructure, relating to:

- (a) the analysis of the 305 Sydney Trains, Sydney Metro and intercity stations within the Six Cities Region, which identifies locations enabling infrastructure capacity near the transport station to support additional housing growth as part of the Transport Oriented Development Program, including, but not limited to, the evidence based assessment of:
  - (i) planning;
  - (ii) road capacity;
  - (iii) water and sewage capacity;
  - (iv) school capacity;
  - (v) health capacity;
  - (vi) spatial data;
  - (vii) feasibility analysis; and
  - (viii) expert advice relied upon by the Department of Planning, Housing and Infrastructure and the Minister for Planning and Public Spaces.
- (b) relevant information which the Minister for Planning and Public Spaces and the Cabinet Office relied upon to determine the location of the eight Transport Oriented Development Program accelerated precincts and the 31 Transport Oriented Development Program precincts where the Transport Oriented Development State Environmental Planning Policy applies; and
- (c) any other legal or other advice regarding the scope and validity of this order of the House created as a result of this order of the House.

This motion seeks information from the Government about its Transport Oriented Development [TOD] Program. The program was announced with much fanfare at the back end of last year on the eve of Christmas. The Planning Institute of Australia called it part of the final advent calendar of planning announcements from the Government. But the announcement was made with just 12 pages, which do not extensively outline anything. I will read two parts onto the record because that is what the motion seeks. On page 4, part 1 of the TOD Program explains how the locations were selected. It states:

The department undertook analysis of 305 Sydney Train, Sydney Metro, and Intercity stations within the Six Cities Region to identify locations that have enabling infrastructure capacity near the transport station to support additional housing growth.

This was informed by an evidence-based approach that used planning, infrastructure like roads, water, sewage capacity, and spatial data, along with expert advice and feasibility analysis. The analysis identified that these 8 stations have significant capacity to support additional growth.

Part 2 of the TOD Program uses similar criteria to outline how the locations were selected. It states:

The analysis also considered the current zoning of land around stations, with a focus on residential and avoiding industrial zones where possible. The analysis identified that these 31 locations have the capacity to support additional growth.

From those statements, councils across the affected areas have gone to the department and said, "That's fantastic. Can you show us that analysis? Can you show us that infrastructure assessment?" Those councils have been told no, they will not be provided with that information. Comments about this have not come from Independent or Liberal councils necessarily. Yesterday the Premier outlined that 26 of the station locations are within Labor electorates. It is actually Labor mayors asking the questions. Burwood mayor John Faker says:

Why Croydon? What is the evidence base and rationale that informed your decision-making? Our vision is consistently centred around concentration development in and around the Burwood Town Centre and the new Metro Railway Station. Burwood has taken up its fair share of development and urban renewal to address Sydney's housing crisis, while still managing to protect the character of our neighbourhoods that we highly value.

Burwood is not a leaner in this case; Burwood is a lifter. The Department of Planning set sites in Burwood North to 38 metres high but Burwood said, "Forget about that. We're going to come in with sites at 98 metres high." They have gone triple what the Department of Planning requested. When they have gone to the Department of Planning and asked, "What is the assessment saying in terms of our infrastructure capacity?" The department has not been forthcoming in providing them with that information.

Ku-ring-gai Council Mayor Sam Ngai outlined similar concerns in *The Sydney Morning Herald* today when that council asked for and requested the information from the Department of Planning. The council was told that that assessment was Cabinet in confidence. That simply is not good enough. It needs to be out there in the public. If the Government wants the public to support its density and zoning increases, it needs to show that those communities can support that. This one-size-fits-all policy takes in stations from Turrella to Teralba, and all of those communities are very different. This policy will have a different impact on each of those communities. Today the Opposition moves a strictly limited motion that seeks to capture the information that the department itself has referred to in the 12-page document to support its Transport Oriented Development Program. Whether members support that program or oppose it, this information should be made public. It is not commercial in confidence.

**The Hon. Daniel Mookhey:** Do you support it?

**The Hon. SCOTT FARLOW:** We have already outlined our position. We have outlined our position on transport oriented development, which is that we support rezoning along transport corridors but it needs to be done right and in consultation with communities. This Government is not doing that. Funnily enough, Darcy Byrne called for that in the inner west. He said that it is unrealistic to expect that this will come into place by the beginning of April when there was no consultation process with communities at all and councils were given a strict consultation process that ended at the end of January. There has been no time, no information and no detail from this Government, just a lazy one-size-fits-all approach. It has not provided the evidence to the community that would create community confidence to support its housing targets.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (14:47):** The Government will not oppose this Standing Order 52 request. The Transport Oriented Development Program is going to be fundamental for us to tackle the housing crisis. There is a lot of work to do. Today we have spent a lot of time speaking about how important this is. The real question here is whether members, particularly Opposition members, are going to stop talking about it, support it and get on board to make it work. The Opposition cannot keep saying that we support this, having left the mess that they left behind, and then have every other member every other day saying, "Yes, more housing but nowhere near us." That is not sustainable. We have nothing to hide from this call for papers. We look forward to the ongoing discussion about this. We do not oppose the Standing Order 52 request.

**Ms SUE HIGGINSON (14:48):** On behalf of The Greens I indicate that we will support this call for papers but with amendments, which I will move shortly. I put on record that, despite some resistance to the passing of calls for papers and the workload involved, the function of this House, and I will say it again, is critical. The Greens will always err on the side of investigation and transparency where there is merit to do so. I appreciate that the Hon. Scott Farlow is requesting particular documents, and I appreciate the consideration of our amendments.

Accommodating population growth and urban renewal in New South Wales, particularly with a focus on making affordable and diverse housing more accessible, is critical. Planning solutions should be incorporated alongside broader housing reforms that do not just focus on supply. We have to ensure that consultation with communities is the first step in change and that there must be facilities for regional and local strategies. The Greens aim to strike a balance that ensures housing is strategically located, fostering not only denser but also more inclusive communities. Without the right balance and consultation, communities, people and the environment suffer.

With regard to this State environmental planning policy, the lack of consultation with the community and the obfuscation of detail has been a genuine concern. I know it has been a big issue for my Greens colleague the member for Balmain, Kobi Shetty, in whose electorate a 1.2-kilometre radius is set to be rezoned around the Bays West metro station. I appreciate that the Minister for Planning and Public Spaces has now made time for a meeting with the member later this month. It took a considerable effort to secure that meeting, but I am glad that it is happening.

The lack of safe, affordable and accessible housing in New South Wales is a crisis. The Government is trying to walk a line between developer interests and actually addressing the issue. I cannot say with confidence that that balance is being struck. In fact, I question the validity of balancing developer interests against community welfare in its entirety. The community should always come before corporate interests and profits. If New South Wales has to radically alter how we ensure people can live in safe, secure and affordable housing, then that is what we should do. I move:

That the question be amended as follows:

- (1) Insert after paragraph (viii) the following new paragraphs:
  - (ix) land value sharing;

- (x) housing affordability;
- (xi) climate change.
- (2) Insert after paragraph (a) the following new paragraph:
  - (b) all documents relating to the scope and detail of the Transport Oriented Development State Environmental Planning Policy, including:
    - (i) targeted consultations;
    - (ii) explanation of intended effects; and
    - (iii) community consultation.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (14:52):** The Government has not seen the amendment. From listening to Ms Sue Higginson, some of the amendment sounds fine in terms of our support for the motion. The first paragraph of the amendment looks fine to me. Paragraph (2) states "Insert after paragraph (a) ... all documents relating to the scope and detail". That request will capture every single document that has been created. I thought we were trying to move away from dealing with matters in this way. As I said, we indicated to the Opposition that the Government will not oppose the Standing Order 52 request. We were unaware of the amendment until two seconds ago. The amendment could be split. The Government can definitely provide support for paragraph (1) of the amendment. In my view, without having seen the amendment before now, it will be difficult for us to support paragraph (2) because it is so broad. We are trying to work collaboratively with the Opposition. I am concerned about the scope of paragraph (2) and ask the Opposition to think about that.

**The Hon. DANIEL MOOKHEY (Treasurer) (14:53):** I move:

That the amendment of Ms Sue Higginson be amended by omitting paragraph (2).

**The Hon. SCOTT FARLOW (14:53):** In reply: From the outset, I thank the Government for not opposing the Standing Order 52 motion as it was moved originally. In discussions with the Government, I must say that the Government offered me a briefing on the Transport Oriented Development Program, which I appreciate. However, we have had no negotiations with the Government relating to the Standing Order 52 in this place. The Leader of the Government commented that the Government has nothing to hide. On that point I say that the Government should have proactively released that information to the community and to councils that asked for that assessment, rather than having to wait for it to be brought before the House.

The Opposition will not oppose the amendment moved by Ms Sue Higginson. It was not what we sought and we tried to limit it. But we understand that members in this place have different interests in different areas and all members are interested in transparency. The Opposition kept its motion relatively specific to what was indicated in the Government's document and does not object to Ms Sue Higginson's amendment to broaden the scope of order to other areas that she may be interested in.

**Ms SUE HIGGINSON:** I seek leave to address a couple of comments.

**Leave not granted.**

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** Order! The Treasurer and Ms Sue Higginson will cease their discussion; they may continue their conversation outside the Chamber.

The Hon. Scott Farlow has moved a motion, to which Ms Sue Higginson has moved an amendment, to which the Hon. Daniel Mookhey has moved a further amendment. The question is that the amendment of the Hon. Daniel Mookhey to the amendment of Ms Sue Higginson be agreed to.

**Amendment of the Hon. Daniel Mookhey to the amendment of Ms Sue Higginson negatived.**

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** The question now is that the amendment of Ms Sue Higginson be agreed to.

**Amendment of Ms Sue Higginson agreed to.**

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

**Motion as amended agreed to.**

*Bills***ANIMAL RESEARCH AMENDMENT (PROHIBITION OF FORCED SWIM TESTS AND FORCED SMOKE INHALATION EXPERIMENTS) BILL 2023****Second Reading Debate**

**Debate resumed from 20 September 2023.**

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (14:58):** I speak—

[*Interruption*]

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** I remind the Hon. Wes Fang that he has already been removed from the Chamber once today. If he continues to interject, I will not hesitate to remove him from the Chamber again. The Minister has the call.

**The Hon. TARA MORIARTY:** On behalf of the Government, I indicate our support for the Animal Research Amendment (Prohibition of Forced Swim Tests and Forced Smoke Inhalation Experiments) Bill 2023, which is before the House today. We are committed to improving animal welfare standards in New South Wales, and this is one of the measures that will do that. I indicate that we support the medical research work that operates across New South Wales, delivering important outcomes, particularly in relation to the health of people on medications and the like. As the Minister responsible for the Act, I certainly support people working in the medical research field more broadly. But, in this particular case, it is time to put an end to a couple of pieces of research that are occurring on animals.

I know that the member who has introduced the bill has been working on this for some time, as has the Government. We have received formal advice from relevant organisations, including the Animal Research Review Panel and the National Health and Medical Research Council, that it is time to phase out those particular tests. I will, however, move a number of amendments in the Committee stage of debate. I will not go through those now. But I do highlight the fact that, whilst we more broadly maintain fantastic and important standards in medical research in New South Wales, the nose-only forced smoke inhalation experiment and the forced swim test being used currently on animals must come to an end. There are provisions in the bill for existing research to be concluded. That is important so that that work can continue to be conducted. Can I get an idea of the time? Because the time left on the clock keeps changing. That is the position of the Government. We will be supporting the bill, but I will be proposing amendments.

**The Hon. JACQUI MUNRO (15:01):** The Coalition will not be supporting the bill, though I acknowledge the Hon. Emma Hurst for the important work that she has done in this area, not only, obviously, in this place as a representative of the Animal Justice Party but also before her time in Parliament as a member of the highly credentialed Animal Research Review Panel [ARRP] and in running a research animal rehoming service. We on this side are not opposing the bill through malice or without concern and compassion for animals. But we have heard from the scientific and medical community that, with appropriate regulation and the principle of the three Rs in relation to animal testing—that is, replacement, reduction and refinement—there is a limited place for retaining the option to conduct certain animal research tests, including smoke inhalation and swim tests. Those tests are to be conducted in specific circumstances, as they should be.

I am aware of one instance currently in New South Wales where smoke inhalation tests are being conducted on animals by a reputable and accountable research facility associated with major universities. I am told that researchers are exploring the effects of exposure to air pollution such as during bushfires and conducting research on the effects of cigarettes and vaping, and chronic obstructive pulmonary disease. The research projects are not being conducted in a frivolous manner, and they are not occurring for fun. Those tests are subject to a range of regulatory frameworks from strict compliance under the Animal Research Act 1985 to transparent engagement with animal ethics committees [AECs] in accordance with Australian and State requirements and as a requirement of their rigorous research funding arrangements.

The *Australian code for the care and use of animals for scientific purposes* has been adopted into legislation in all Australian States and Territories. It is endorsed by the National Health and Medical Research Council [NHMRC], the Australian Research Council, the Commonwealth Scientific and Industrial Research Organisation, and Universities Australia. I also note that compliance with the code is a prerequisite for receipt of NHMRC funding. Those tests are being conducted for the benefit of Australians so that we can make policy in accordance with safety and risk principles commensurate with our values and scientific evidence. Bushfires, as we know, are getting bigger and badder. To determine how our firefighters and all of us can tolerate, or are affected by, smoke inhalation will be of increasing importance. Vaping, as we also know, is becoming an epidemic amongst

younger people. We need to understand the priority level of acting to restrict it. Smoke inhalation tests help us find that information.

The *Australian code for the care and use of animals for scientific purposes* specifically requires that procedures that avoid the use of animals be sought and implemented whenever possible. The Animal Research Review Panel says specifically about nose-only smoke inhalation procedures that they should be approved by exception only within accredited animal research establishments. Additionally, detailed information about such tests must be provided each year by the animal ethics committees associated with the institutions conducting those smoke inhalation tests. For fulsome context, any organisation that conducts research with vertebrate animals for research or teaching in New South Wales must become an accredited research establishment. In addition, all research must be covered by a current animal research authority.

Further, an establishment cannot be accredited without a properly constituted animal ethics committee. The committee approves and oversees the animal research carried out by an establishment. Researchers cannot undertake procedures where animals are used without the approval of an establishment's AEC. More specifically, AECs, on behalf of an accredited animal research establishment, have the power to stop inappropriate research and to discipline researchers by withdrawing their research approvals. They can require that adequate care, including emergency care, is provided for animals. They also provide guidance and support to researchers on matters relevant to animal welfare through means such as the preparation of guidelines and dissemination of relevant scientific literature.

AECs are responsible for advising institutions on the changes to physical facilities that should be made to provide for the needs of the animals used. The membership and duties of AECs are set out in the New South Wales legislation and in the national code, which also provides guidance on how AECs should operate. During 2022-23 the Department of Primary Industries maintained 213 animal research accreditations and animal supply licences. That number includes 99 animal research establishments that undertake surveys and/or fauna surveys and do not house animals, and 36 holders of animal supply licences. On the specifics of the smoke inhalation test, the July 2022 ARRPP guidelines state:

The Panel will monitor the use of the nose-only procedure and if deemed necessary, may recommend that conditions regarding the use of smoke inhalation procedures are placed on an establishment's accreditation. The Panel's ongoing review will include consideration of further regulatory requirements.

Regarding the forced swim test, there is, again, no doubt that it is a distressing practice—though, unfortunately, that is rather the point of the experiments. The ARRPP recommends use of the forced swim test, or FST:

... for testing potential antidepressant drugs be approved ... by exception only, based on compelling justification in the application on the need to use this test and why alternatives with lesser welfare impact cannot be utilised. The Panel further recommends that AECs should consider these welfare considerations for any procedure involving non-voluntary swimming protocols.

There is also a list of methods provided by the ARRPP to reduce the impacts on the welfare of animals if such tests are approved by an animal ethics committee, including drying animals and providing warmth after removal from water, and carrying out follow-up monitoring checks on animals after the procedure. Those are humane ways to mitigate impact in a challenging but unfortunately sometimes necessary circumstance. That particular guideline from the ARRPP was released in November 2022. Members will obviously be aware that this House conducted an inquiry into the use of primates and other animals in medical research in New South Wales during the previous term of government.

The two guidelines I have referenced, numbers 28 and 30, were updated following that inquiry, with the ARRPP committing to a 12-monthly review of the use of smoke inhalation procedures in rodents. That should be well underway and will provide further guidance to the Parliament. Four recommendations out of the inquiry were supported in principle, and supported, in particular that the New South Wales Government report annually on the amount of government funding given to the use of animals in medical research and the amount of funding given to the development of alternatives.

I also inform the House that the Animal Research Amendment (Right to Release) Act received assent and came into effect on 25 November 2022. The panel established a subcommittee to facilitate the development of procedures and guidance material to assist industry in meeting the new regulatory requirements. Section 54C (4) (a) of the Act allows for applications to be made to the panel to keep a dog or cat for research for longer than three years. The panel is required to report on the number of those applications. No applications have been made, approved or refused, and no applications were made during the 2022-23 reporting period.

More broadly, I note some of the submissions to the inquiry regarding the value of animal testing in medical and scientific research. The CSIRO noted that it conducts research activities involving animals and currently maintains two animal ethics committees that are licensed in New South Wales. The Children's Medical Research Institute wrote that animal testing "helps to minimise potential health risks posed by this research and to avoid the

human tragedies that have occurred in the past when new treatments were undertaken in humans without first testing in appropriate animal models". The Australian Academy of Health and Medical Sciences stated:

These species are used across a range of diseases and health conditions, including the development of cures and treatment strategies for patients suffering a range of major acute and chronic conditions, including heart and vascular diseases; kidney and liver conditions; diabetes and endocrine diseases; brain, spinal cord and peripheral nervous system diseases; obstetric and gynaecologic conditions; infectious diseases; respiratory conditions; musculoskeletal diseases; cancer and birth defects.

This is a difficult matter, but there is broad agreement among the legal and scientific community that, with clear regulation, transparency and accountability, animal research still plays an important role in our medical and scientific fields. By legislating against these specific tests, rather than continuing to consult with and rely on the professional expertise of the many people involved in animal research regulation, we risk missing out on important scientific breakthroughs that will assist us in making better policy and ensuring a safer environment for all Australians.

**Ms ABIGAIL BOYD (15:11):** On behalf of The Greens I support the Animal Research Amendment (Prohibition of Forced Swim Tests and Forced Smoke Inhalation Experiments) Bill 2023, which I thank the Hon. Emma Hurst for introducing. There are so many aspects of the flawed animal welfare laws in our State that we need to correct, and I am sincerely grateful to be able to share the work in this portfolio area with such a principled and hardworking colleague in the Hon. Emma Hurst, despite us representing different political parties in this place. According to research by Animal Liberation, up to seven million animals are cruelly exploited through animal experimentation and research every year in Australia. We have a long way to go in this country to phase out this incredibly cruel industry, and the bill takes a sensible and straightforward step towards doing that by banning two of the most shocking and inhumane types of experimentation.

In 2022 I was a member of the Portfolio Committee No. 2 – Health inquiry into the use of primates and other animals in medical research in New South Wales. During that inquiry, the committee received considerable evidence about the use of both forced swim tests and forced smoke inhalation experiments. There is no doubt that those two methods of experiment were some of the most horrific and unnecessary to be considered by that inquiry. Many submissions and witnesses called for those two procedures to be banned in New South Wales. A number of animal care and ethics committees had already banned the use of those tests, and it is now no longer thought to be necessary by some universities and global pharmaceutical companies. Page 24 of the inquiry report illustrates what is meant by the forced swim test. It states:

The forced swim test was developed in 1978 and has been used for decades in neurobiology research and drug studies, including to evaluate antidepressants. The test involves placing a mouse or rat in a transparent cylinder of lukewarm water where they swim and attempt to climb the walls of the cylinder before becoming immobile and floating. The animals are generally removed after a set time, but some animals die after the test from aspirating water. The test is grounded in the theory that animals that spend more time floating (and less time swimming or attempting to escape) are feeling helpless and that this indicates depression or anxiety. There is a correlation between the efficacy of some antidepressants and the outcomes of the test. However, there have been questions raised as to whether this test is a good model for a complex, chronic condition like human depression, as contradictory evidence has shown that floating is a learned and adaptive behaviour that saves energy and is beneficial for survival.

As Humane Research Australia submitted during the inquiry, even if this was ever a valid research technique, there are now many suitable humane alternatives available, including methods involving the use of human tissues or cells, or mathematical and computer models of human systems. Pages 26 and 27 of the inquiry report describe what is meant by forced smoke inhalation or the use of the smoking tower. It states:

Forced smoke inhalation research exposes mice to cigarettes or other hazardous inhalants and observes the physical effects that follow. Smoking towers ensure nose-only or head-only exposures by placing mice in small chambers. Mice are forced to breathe in smoke for a minimum of one hour, twice a day for five days a week, for up to 18 weeks. In whole-body exposure, the animals are immersed in the smoke without being restrained.

Although some inquiry participants sought to justify extreme animal cruelty on the basis of providing insight into human health issues, many thought that the high welfare impact of using mice in smoking tower research could not be justified and should be banned. Dr Fowler of RSPCA Australia explained to the committee:

Not only is the animal—in most cases, a mouse—being exposed to smoke being forced into its lungs, but there is also the feeling of not being able to escape the environment. The ongoing stress of that and the fact that they are repeatedly exposed to that day after day, generally five days a week, Monday to Friday, because that is what is convenient for the research student. Straightaway, it is convenient for the research student or the research paradigm but not necessarily convenient for the animal, and that is not taken into consideration.

Other witnesses outlined the severe distress experienced by animals, including hypothermia and withdrawal symptoms, and even mass culling when research is not proving fruitful. Many stakeholders also referred to less cruel alternatives, such as the less invasive technique of whole-body exposure, where animals are placed in groups in a chamber. Others queried whether research seeking to use mice to understand human disease was going to be useful at all, given the biological differences between our species.

In short, evidence to the committee in relation to the use of these two research methods indicated that the extreme impacts on animal welfare could not be justified and the committee recommended that the New South Wales Government take steps to rapidly phase out forced swim tests and smoking tower tests in research in New South Wales. That brings me to the bill before us, which has faithfully followed the findings and recommendations of the committee. The bill seeks to prohibit new research seeking to use these tests, while maintaining current approvals so that research already using one or other of these tests can be concluded. The Greens support this incredibly reasonable and straightforward bill.

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (15:17):** Given the earlier incident with the clock, I seek leave to have my full second reading debate contribution incorporated into *Hansard*.

**Leave granted.**

I contribute to the debate on the Animal Research Amendment (Prohibition of Forced Swim Tests and Forced Smoke Inhalation Experiments) Bill 2023 and outline the Government's position on the bill.

The Government is strongly committed to improving animal welfare. Our understanding of animal welfare, best practice medical research, and community expectations are changing as we speak. Our legislation must keep pace.

Recently expert groups such as the Animal Research Review Panel and National Health and Medical Research Council have released advice in favour of phasing out two medical research techniques—the nose-only forced smoke inhalation experiment and the forced swim test.

This Government has been very clear about its focus on improving animal welfare in New South Wales.

The changes proposed by the bill will prohibit the use of two medical research techniques which have been used for medical research purposes for many years. This is a matter that the Government has been working on and it is essential that we get these legislative changes right.

That is why the Government will be seeking to make amendments to the proposed bill when we reach the Committee of the Whole stage. Our amendments are informed by the work the Government has been undertaking in recent months on this issue. The amendments I am foreshadowing will ensure that the bill does not create unintended consequences and provides a reasonable period for the medical researchers to adjust to the proposed changes.

I will hold my comments on the Government's proposed amendments until that stage and will instead focus on the bill as it currently stands.

The bill before the house relates to two medical research techniques that involve animals. The first being the nose-only forced smoke inhalation experiment and the second being the forced swim test.

The nose-only forced smoke inhalation experiment is used by researchers to investigate the basic biological mechanisms underlying respiratory disease in humans and to test treatment regimes. The nose-only forced smoke inhalation experiment employs a purpose-built apparatus in which rodents are individually restrained in tubes while smoke is delivered directly to their nose/head.

The forced swim test is a behavioural experiment that involves placing an animal in water too deep for it to physically stand in and from which it is unable to escape and timing their response to immobility or only holding their head above water by floating. The forced swim test is used to study learned helplessness, a behaviour similar to depression, and is thought by some researchers to assess the effectiveness of antidepressant drugs.

Scientific and community support for the use of these medical research techniques is decreasing. Not only are there significant animal welfare concerns with these activities, but the validity of them as a model for human disease is not certain in some circumstances. That is why the Government has been considering this issue for several months. It is also why it is the policy of this Government that these medical research techniques should be prohibited in the most expedient manner possible—which in this case is to support the passage of the bill before the house today with amendments. It's time for these practices to end.

I want to briefly touch on the expert advice that has led to the Government taking this policy position and supporting the bill today.

Firstly, I would like to highlight the advice provided to me by the Animal Research Review Panel, constituted under the Animal Research Act and comprising members nominated by a range of stakeholders interested in the conduct of medical research, including universities, medical stakeholders and animal protection stakeholders. The Animal Research Review Panel is well regarded across Government and by industry. Their advice is well respected and is to be taken seriously.

In relation to smoke inhalation procedures the Animal Research Review Panel unanimously voted to recommend the Animal Research Act 1985 be amended to ban nose-only forced smoke inhalation procedures in New South Wales. Following that advice, they are now working to update their guideline relating to the procedure.

In relation to forced swim tests, the Animal Research Review Panel have published Guideline 30: Forced Swim Test in Rats and Mice following industry consultation, a scientific literature review, consultation with independent external experts and in-depth Animal Research Review Panel discussions.

In this guideline, the Animal Research Review Panel indicated that the forced swim test has a high negative impact on the welfare of animals, and recommended that the use of the forced swim test for testing potential antidepressant drugs be approved by exception only and that use of the test as an "acute model of depression" in research not be approved by animal ethics committees.

In the time this issue has been considered closely by Government, the National Health and Medical Research Council has also provided recommendations on these medical research techniques.

The National Health and Medical Research Council is established under Federal legislation as the Australian Government's lead agency for funding health and medical research. They have published statements on smoke inhalation procedures and forced swim tests on rodents.

The purpose of the statements is to clarify the expectations of the National Health and Medical Research Council with respect to these tests in research they fund. It is also intended to be used as guidance by those involved with, or considering, the use of these tests in research funded from other sources.

The National Health and Medical Research Council recommended in relation to smoke inhalation procedures recommended the use of nose-only exposure procedures must be phased out as soon as practicable; that nose-only exposure procedures must not be approved for new projects; and that whole-body exposure procedures may only be approved on strong evidence justifying the use of the procedure.

The National Health and Medical Research Council statement in relation to the forced swim test recommended the forced swim test must not be used in any new projects as a model for depression or anxiety research and that there should be strong justification for use of the forced swim test for other research purposes.

The Animal Research Review Panel and National Health and Medical Research Council cite several reasons for their advice in relation to these procedures and tests, in addition to animal welfare concerns. This includes that the forced swim test may not accurately model depression—that is, the animals may simply be changing to a more energy conservative behaviour—and that there are multiple factors that affect results for both testing methods including response variability between rodent strains and sexes, restraint induced stress impacts, and the inherent limitations of extrapolating animal models to humans.

The Government's policy positions are based on considered and expert technical advice. This is an issue we have been considering for some time, and we take seriously the expert advice of the Animal Research Review Panel and the position statements of the National Health and Medical Research Council. The Government has a responsibility to the people of New South Wales to do things the right way and for the right reasons. That is why we will be acting on the work and consideration we have been diligently undertaking, as well as this expert advice, by supporting the bill before the House today. The approach proposed in the bill, with the amendments that the Government will move in the Committee of the Whole stage, will deliver a measured bill that will protect the welfare of animals in research while also managing the potential impacts on medical research and human health outcomes.

I will now spend some time speaking on the detail of the bill.

In the expert advice received by the Government, it is clear that there is a need to take action to phase out the nose-only forced smoke inhalation experiment and the forced swim test. The bill before the house is made up of several parts that, once amended, will establish the prohibition in a way that is measured and appropriately considers improving animal welfare outcomes in New South Wales while mitigating unnecessary impacts to medical research. The bill establishes definitions to describe the nature of the medical research techniques that will be subject to the prohibition provision in the bill.

Specifically for the purposes of further clarifying the application of the nose-only forced smoke inhalation experiment prohibition, the bill also gives the definition of smoke. This definition will capture anything within the general definition of the word smoke, but for the sake of clarity specifies that it includes aerosol and vapour produced by e-cigarettes and smoke produced by cigarettes or cigars. This is a sensible approach that is supported by the Government.

I want to specifically note the definition of the forced swim test and foreshadow that the Government will be moving an amendment to refine this definition to address some potential unintended ambiguities.

In New South Wales all animal research must be undertaken in accordance with an animal research authority, issued by licensed animal research establishments or the secretary on recommendation of their animal ethics committees. I will not get into the minutiae of the animal research framework, but it is safe to say that New South Wales has a robust framework regulating the conduct of animal research with multiple checks and balances to ensure that animal research only occurs where it is ethical and justified.

The bill will preclude animal research establishments or the Secretary from issuing an authority permitting animal research involving the use of a nose-only forced smoke inhalation experiment, or from issuing an authority permitting animal research involving the use of the forced swim test. This is a sensible mechanism to give effect to the prohibition.

Under the Animal Research Act, individual researchers must not conduct animal research without an authority, or outside the bounds of their authority. Penalties apply in both circumstances. As authorities permitting these tests will no longer be able to be issued, the effect of these provisions is to prohibit conducting the forced swim test and the nose-only forced smoke inhalation experiment.

And it is in relation to this that I want to foreshadow another Government amendment, which will be to ensure a penalty applies to individual researchers who perform a prohibited medical research technique. The remainder of the bill relates to savings and transitional provisions.

Again, I want to foreshadow Government amendments that will be necessary to ensure the manner in which these medical research techniques are prohibited is reasonable. The proposed bill as currently drafted would not allow any renewals of an existing animal research authority that permits these tests, meaning the timing of the phase-out will be too short for researchers to adapt and would prevent existing projects from being seen through.

Let me be clear, the Government agrees that no new research projects should be permitted to commence using these procedures after the passage and assent of the bill. Any new researchers who seek an authority to start a project using these procedures will be turned away once the bill commences.

In supporting the bill, I want to acknowledge the important work being undertaken in the medical research industry. Medical research leads to discoveries that save lives and improve quality of life for people across New South Wales. This includes ongoing work, in a small number of circumstances, using the procedures and tests included in the bill. I firmly believe our researchers operate with the best intentions, within the rules that are given to them, and under strong ethical oversight through animal care and ethics committees, and they achieve amazing results doing so.

The Government's policy position to prohibit these medical research techniques is about ensuring medical research practices in New South Wales align to accepted best practice and scientific evidence. The bill, with the amendments that the Government will move, will create a considered and specific scope for the prohibition and include appropriate transitional arrangements. These measures will mitigate the impact of the prohibition on the medical research industry and on medical research itself.

The expert advice is clear: These tests and procedures must be phased out. By supporting and amending the bill today I am showing this Government's commitment to doing just that. The Government's position is clear: These tests and procedures must be phased out, and doing this in a considered way is something we have been working towards for some time. That being the case, the Government intends to support the bill, subject to the amendments I have foreshadowed being considered during the Committee of the Whole stage.

**The Hon. EMMA HURST (15:17):** In reply: I thank all members for their contributions to debate on the Animal Research Amendment (Prohibition of Forced Swim Tests and Forced Smoke Inhalation Experiments) Bill 2023, including Minister Moriarty, the Hon. Jacqui Munro and Ms Abigail Boyd. Forced swim and forced smoking experiments are cruel, unscientific and unnecessary. They do not provide any benefit to human health or scientific advancement and cause enormous animal suffering—and yet, up until now, they have remained legal in New South Wales. Since introducing the bill, the evidence supporting the prohibition of these outdated experiments has only continued to grow. Late last year the National Health and Medical Research Council [NHMRC], which is the primary government funding source for research throughout Australia, announced it would no longer fund any forced swim or smoking experiments, citing animal welfare, and ethical and scientific concerns.

The decision of the NHMRC was a significant step forward in ending these experiments. However, it still left open the possibility of these tests continuing with private, non-government funding. That is why the bill is so important: It closes the gap in our regulatory regime and makes certain that none of these experiments, which have been rejected by both the scientific and broader community, will be allowed to continue in New South Wales. It will bring certainty and clarity for all animal research institutions in New South Wales about what is and is not allowed. To clarify for members who are confused about why we need such laws, one major funding body and several universities ending support for this research does not completely stop it from happening. These experiments are still happening in New South Wales, though that will not be for long. This may possibly be the first private member's bill to pass this House in this term of government, and I am glad it is an Animal Justice Party bill.

Those members who were here in the last term of Parliament will know that the Animal Justice Party passed three private members' bills in total last term, more than any other party. But I am particularly excited that this bill will mean we are the first in the world to outlaw forced swim and smoking tests. We are forging the way globally for these laws to pass, which have been campaigned for by various groups for decades. However, with major bodies like the NHMRC coming out against these experiments, and with the wide availability of alternatives and the increasing numbers of universities and private research institutions voluntarily phasing out the use of these tests, I am certain other States and countries will soon follow our lead.

I acknowledge all those advocates and animal protection organisations who have worked tirelessly for many years to highlight these problematic experiments. Particularly, I thank Animal-Free Science Advocacy, formerly Humane Research Australia, for its sustained advocacy. I also thank those in the research community, who will remain anonymous, for the critical work they have done behind the scenes to advocate for these reforms. They know who they are. I thank them for all they have done to get us to this point.

The Government has foreshadowed that it will move a number of amendments when we get to the Committee stage. The Animal Justice Party will not oppose those amendments, which are relatively minor and do not alter the fundamental intent of this bill to ban the forced swim and smoking test in New South Wales. I thank the Government for working constructively with us on those amendments. Particularly, I thank the Premier's office, as well as the Minister for Agriculture and her office, for working collaboratively with us on this.

Briefly, I will address some of the comments made by Opposition members. It is disappointing that the Opposition is not supporting this bill. To reject the suggestions and recommendations put forward by the National Health and Medical Research Council and to reject and ignore the recommendations from the Animal Research Review Panel, which is part of the Department of Primary Industries [DPI], is quite absurd. The NHMRC stated that it made its decision not only because of animal welfare and ethical concerns but also on scientific grounds. These experiments do not reflect good scientific practice. Scientific and human health outcomes will only be improved by banning these debunked, outdated tests.

A large number of alternatives are available that produce far more accurate outcomes without causing harm to animals. Therefore, those who oppose this bill today are standing in the way of improving human health and opposing a bill on animal welfare. To oppose a bill like this shows that those members do not understand the context of the recommendations made by the NHMRC or the Animal Research Review Panel within DPI.

Some of the comments made by Opposition members show the extent to which they do not understand what this bill is proposing. Talking about firefighting, smoke inhalation and vaping has absolutely nothing to do with the experiments that are to be banned should this bill pass. There is only one experiment we are aware of and it is not testing anything to do with firefighting, smoke inhalation or vaping. The one researcher identified by those opposing the bill has been responsible for the deaths of many animals—sometimes by accident, sometimes by using the particular machine we are focusing on. An animal is stuck in this smoking tower for 90 minutes. If it moves its head, it asphyxiates. There is a reason why the research community itself is calling for these smoking towers to be outlawed.

If the Opposition had spent time talking to the researchers who want to see these towers banned, it would know that there are alternatives. There is absolutely no reason to allow these experiments to continue. I do not say that lightly. Opposition members have had the same information the Government has had and the same amount of time to get their heads around this legislation. Where the Government has spent that time talking with the NHMRC and the Animal Research Review Panel, seeking their advice and acting on it, the Opposition is simply rejecting it by rejecting this bill. I find that very disappointing indeed. However, I encourage all members to support the bill.

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

**The House divided.**

Ayes .....22  
Noes .....13  
Majority.....9

#### AYES

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

#### NOES

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

#### PAIRS

Mookhey	Taylor
Suvaal	Ward

**Motion agreed to.**

#### In Committee

**The CHAIR (The Hon. Rod Roberts):** There being no objection, the Committee will deal with the bill as a whole. I have one set of amendments, being Government amendments Nos 1 to 4 on sheet c2024-004H.

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (15:33):** By leave: I move Government amendments Nos 1 to 4 on sheet c2024-004H in globo:

No. 1      **Definitions**

Page 3, Schedule 1. Insert before line 2—

#### [1A] Section 3 Definitions

Insert in alphabetical order in section 3(1)—

*fish* has the same meaning as in the *Fisheries Management Act 1994*.

*forced smoke inhalation experiment* means animal research in which an animal is forced to inhale smoke by—

- (a) the placement of the animal in an instrument of restraint, and
- (b) the administration of smoke directly to the animal's nose or head.

*forced swim test*—

- (a) means animal research in which an animal, other than a fish, is—
  - (i) placed in water, and
  - (ii) forced to swim, as the animal is unable to escape or stand, and
- (b) does not include animal research that has the effect, or likely effect, of protecting or promoting the welfare of the animal on which the research is carried out.

**Example for paragraph (b)**— Animal research involving hydrotherapy.

*smoke* includes—

- (a) aerosol or vapour produced by an e-cigarette, and
- (b) smoke produced by a cigarette or cigar.

No. 2      **Definitions**

Page 3, Schedule 1[2], lines 8–25. Omit all words on the lines.

No. 3      **Unlawfully carrying out animal research**

Page 3, Schedule 1. Insert after line 25—

**[2A] Section 47 Unlawfully carrying out animal research**

Insert after section 47(2)—

- (3) Without limiting subsection (2), a person must not carry out either of the following—
    - (a) a forced swim test,
    - (b) a forced smoke inhalation experiment.
- Maximum penalty—30 penalty units or imprisonment for 12 months, or both.

No. 4      **Savings, transitional and other provisions**

Page 3, Schedule 1[3], line 26 on page 3 to line 2 on page 4. Omit all words on the lines. Insert instead—

**[3] Schedule 3 Savings, transitional and other provisions**

Insert after Part 3—

**Part 4 Provisions consequent on enactment of Animal Research Amendment (Prohibition of Forced Swim Tests and Forced Smoke Inhalation Experiments) Act 2024**

**5 Definitions**

In this part—

*commencement day* means the day on which the *Animal Research Amendment (Prohibition of Forced Swim Tests and Forced Smoke Inhalation Experiments) Act 2024* commenced.

*existing authority* means an animal research authority, in force immediately before the commencement day, that authorises either of the following—

- (a) a forced swim test,
- (b) a forced smoke inhalation experiment.

**6 Reissue of existing animal research authorities—forced swim tests and forced smoke inhalation experiments**

- (1) The holder of an existing authority may apply to the Secretary or an accredited research establishment to have the authority reissued.
- (2) The application must be made before the expiry of the applicant's existing authority.
- (3) Despite section 26(2A), the Secretary or an accredited research establishment may reissue an animal research authority in the same terms as the applicant's existing authority.

**Note**— The holder of an existing authority may have the authority reissued under this clause once only.

**7 Offences involving forced swim tests and forced smoke inhalation experiments**

A person does not commit an offence under section 47(3)(a) or (b) for carrying out animal research referred to in that paragraph if the animal research is carried out in accordance with—

- (a) an existing authority, or
- (b) an animal research authority reissued under clause 6.

As I flagged in my second reading contribution, the Government is moving four complementary amendments to ensure that the Animal Research Amendment (Prohibition of Forced Swim Tests and Forced Smoke Inhalation Experiments) Bill 2023 is fit for purpose. The amendments ensure that the bill does not capture activities that are not intended to be in scope, mitigates unintended consequences and allows a reasonable period for the medical research industry to adjust to the proposed changes. Amendments Nos 1 and 2 specify that the prohibition of a forced swim test does not include fish or other aquatic animals.

Amendment No. 1 creates a new definitions section with two minor changes relative to the bill to refine the scope of the forced swim test prohibition. Amendment No. 2 omits the original definitions section that is replaced by the changes made in amendment No. 1. These changes clarify the scope of the proposed prohibition on the use of the forced swim test on animals. That is achieved by excluding from the prohibition anything within the definition of "fish", as set out in section 5 of the Fisheries Management Act 1994. The Government understands that it was never the intention of the bill to include fish or other aquatic animals. One would be hard-pressed to say that fish are forced to swim. These amendments are simply about ensuring that the intended scope of the prohibition is abundantly clear to anyone who is reading the legislation. They are essentially about ensuring that there is no ambiguity and mitigating the risk that things that we all understand are not forced swim tests unintentionally fall under the drafted definition.

The amendments do not affect the overall prohibition on the forced swim test, which aligns with the evidence of both the National Health and Medical Research Council and the Animal Research Review Panel. These expert bodies recommended that the test be phased out as it relates to its use on rodents for depression and anxiety research, which is the purpose for which the tests occur. The Fisheries Management Act definition is precise and already well understood. Notably, using this definition means that amphibians like frogs will still be protected by the prohibition on forced swim tests. These are sensible clarifying amendments so that there is no confusion, although the intention of the bill is quite clear.

Amendment No. 3 will add a penalty for any researcher who undertakes either of the prohibited techniques, and it is consistent with other similar penalties in the Animal Research Act 1985. The proposed amendment includes a specific penalty for people who perform a prohibited forced swim test or forced smoke inhalation experiment. This penalty is in addition to existing penalties in the Animal Research Act for undertaking animal research without an authority or not in compliance with an authority. The purpose of this new penalty is to make certain that a penalty will apply to any person who undertakes animal research using either of these prohibited techniques. The proposed penalty provision specifies that a person who undertakes these prohibited activities will be subject to a maximum of 30 penalty units or imprisonment for 12 months, or both, which is consistent with other similar penalties under the Act. This should be fairly straightforward.

Amendment No. 4 provides the industry a longer transition period by allowing one renewal of an existing animal research authority for those presently using either of the prohibited techniques. As I outlined earlier, it is important that existing work finishes, and this amendment ensures that can be the case. Existing work must finish. The amendment will give effect to an appropriate transition period in situations where these techniques are already underway, as I have indicated. The longer transition period is in recognition of the fact that animal research authorities are issued and renewed annually, but the projects they authorise may be longer term in nature. This means that the bill as currently drafted would have the effect of cutting short existing research and potentially wasting valuable medical research outcomes, even though we all support the outcome. I commend the amendments to the Committee.

**The CHAIR (The Hon. Rod Roberts):** I draw members' attention to the fact that I just counted five conversations taking place in the Chamber, making it extremely difficult for me to hear the contributions of other members. Members will either keep their conversations to a very low volume or take them out to the members' lounge.

**The Hon. EMMA HURST (15:38):** Amendments Nos 1 and 2 simply seek to remove the proposed definitions of "forced swim test", "forced smoke inhalation experiment" and "smoke" from section 3 of the Animal Research Act 1985, which is the definitions section. This change will have no substantive effect on the bill, aside from the Government's decision to add in a new definition of "fish" and insert a new provision which clarifies that the prohibition on forced swim tests does not apply to fish. Our advice from Parliamentary Counsel was that the definition of forced swim test already excluded fish, given that the definition refers to animals being unable to

stand. However, we do not object to this being clarified in the bill and as such the Animal Justice Party does not oppose the amendment.

Amendment No. 3 builds on the existing prohibition on approving forced swim and smoking experiments which are already contained in the Animal Justice Party bill. It creates a standalone offence provision which makes it abundantly clear that these experiments must not be undertaken in New South Wales and attaches penalties of 30 penalty units or 12 months imprisonment, or both. Given it simply clarifies that, the Animal Justice Party supports the amendment.

Amendment No. 4 creates a slightly different transition regime than was proposed under the original Animal Justice Party bill. Under the Government's amendment, any animal research authority that has a forced swim or forced smoking test that has already been approved will be allowed to apply for one further reissue of the same animal research authority but that is limited to one reissue and that one reissue limited to 12 months as per the statutorily prescribed length of an animal research authority under the Act. The Animal Justice Party does not oppose the amendment.

**Ms ABIGAIL BOYD (15:40):** The Greens do not oppose the amendments. I put on record our very strong suspicion that these amendments have been made simply to enable the Government to accept the bill from the Hon. Emma Hurst, rather than putting forward its own bill. I do not understand why we are having to play these sorts of games. When one looks at the definition of "fish" I take it there could be an axolotl that somebody wants to force to swim. I do not really understand. Forced swim test means animal research where an animal other than a fish is placed in water and forced to swim. I do not understand which animal research institution is forcing fish to swim. That seems like an extremely unrealistic scenario. These are amendments put forward by a government that cannot accept that the bill as it was framed was the best possible version. It is a great shame, but as the Hon. Emma Hurst said, it is pretty much without consequence. The Greens do not oppose the amendments.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Tara Moriarty has moved Government amendments Nos 1 to 4 on sheet c2024-004H. The question is that the amendments be agreed to.

**Amendments agreed to.**

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

**Motion agreed to.**

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

That the report be adopted.

**Motion agreed to.**

### Third Reading

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

That this bill be now read a third time.

**Motion agreed to.**

### Documents

## DEPARTMENT OF REGIONAL NSW SENIOR EXECUTIVES

### Production of Documents: Order

**The Hon. SARAH MITCHELL (15:44):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 26 March 2023 in the possession, custody or control of the Minister for Agriculture, Minister for Regional New South Wales and Minister for Western New South Wales, or the Department of Regional NSW, relating to Department of Regional NSW senior executives termination of employment:

- (a) all documents related to the termination of employment of senior executives in the Department of Regional NSW;
- (b) all documents regarding the functional review of the Department of Regional NSW; and

- (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I do not intend to speak for very long, I know there are a lot of items on the business paper for today. This is a relatively straightforward call for papers seeking some information in relation to the Department of Regional NSW. Again, it will not come as a surprise to members that this is something the National Party is very interested in. We know that as of only a few weeks ago the Director General of the Department of Primary Industries, Scott Hansen, is no longer in that role. Scott is someone who I think has been respected by all sides of politics. The reasons why he was moved on are not clear to us. We also know through the budget estimates process we had last year that there have been other changes in terms of the senior executive at that department. Indeed, the secretary, Rebecca Fox, throughout the estimates process spoke about the functional review that is happening internally in the Department of Regional NSW.

When we asked the Minister about this, both in budget estimates and in the House—indeed, as recently as yesterday—specifically in relation to Mr Hansen, she was very clear in saying that the matters regarding the department's staffing are the responsibility of the department. That is why we want these documents. We want to have a look at what decisions are being made, know the basis of those decisions and know what advice, if any, is being provided to the Minister about the decisions being made. We think it is important in terms of the integrity of that department and also given that a lot of those positions are based in regional New South Wales. We are concerned about job losses in those communities and what other decisions might be being made as part of that functional review. This is simply seeking that information. It is quite a straightforward call for papers and I urge members to support it.

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (15:46):** The Government does not oppose the motion. The Government has undertaken a number of steps to ensure the public sector is best placed to deliver on the Government's priorities and commitments, and the needs of the people of New South Wales. This includes the Government's comprehensive expenditure and public sector reviews which were undertaken last year. We are committed to stronger Cabinet government, clearer executive accountabilities and a public sector that is transparent, collaborative and agile. There is no objection to the order for papers. Given the contribution from the Hon. Sarah Mitchell, who moved the motion, if she was after documents about a particular employee she probably should have moved a motion in relation to the particular employee. But, instead, the department will undertake the work to provide whatever other documents will be included in the fishing expedition, but I have no objection to them being provided.

In March 2023 the Government commissioned a number of reviews to shape the future of the New South Wales public service and support more effective government decision-making and strategic investment. We have been very open and transparent about that. The Government also made an election commitment to create a leaner public service by reducing the number of senior executives by 15 per cent. We took that to the election. We have been very honest about it. We have talked about it. We were elected to form a government. This applies to all parts of the public service. As part of the Government's comprehensive expenditure review and budget process, the department has received a proportionate reduction in senior executive positions. This applies to all existing departments. However, I would make it clear that all matters regarding staff recruitment and termination are the responsibility of the department. As required, terminations are conducted in close consultation with the Premier's Department and the NSW Public Service Commission.

In September 2023 I requested that the secretary of the department lead a functional review in consultation with the Premier's Department and NSW Treasury. All existing departments have been asked to conduct a functional review to ensure that department people, resources and culture are aligned with the Government's priorities and to best support the efficient and effective delivery of functions and services. I have yet to finalise the review. As Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales, my focus is not on individuals but on ensuring the department continues to support our vital primary industries sector and the prosperity of our regional communities.

Again, I have no objection to the motion. I do not get involved in the internal machinery of the department. I direct the department and expect that the department will be delivering for the people of New South Wales, particularly regional New South Wales. In relation to the section of the department that covers primary industries or local land services, I expect that they are fulfilling their roles. That is the extent of my involvement. I have no objection to the motion.

**Ms SUE HIGGINSON (15:49):** On behalf of The Greens, I indicate support for the Opposition's motion. We really are interested in paragraph (b) of the motion, which requests all documents regarding the functional review of the Department of Regional NSW. It comes as no surprise to anybody that one of my deep interests is regional New South Wales, as it is for so many members of my party. The functional review of the Department

of Regional NSW is obviously a deep concern to us. We are not particularly interested in the termination or otherwise of the senior executives, and we respect the Government's position that it works through that in the machinery and operations of the department. But, as I said, we are very interested in the functional review of the department. It impacts our regional environments and regional communities every day. It is a large department. It is actually in the regions, and so we support this call for papers.

**The Hon. TANIA MIHAILUK (15:51):** On behalf of One Nation, I also indicate that we support the motion. As other members have said, the Department of Regional NSW is a very critical department. It oversees a host of different programs and projects and channels funding into much-needed programs across regional New South Wales. It provides a plethora of supports to different towns and communities across New South Wales. Any opportunity to have a closer look at the operations of the department is very critical for this Parliament. It is pleasing that the Opposition is moving the motion and also that the Government is supporting it. Again, I indicate that One Nation supports the motion.

**The Hon. SARAH MITCHELL (15:52):** In reply: I thank members for their contributions. This is an important issue; that is why we have moved this motion for the production of documents. I do not move these types of motions often in this House, but I do when it is important. We look forward to receiving the documents in due course. I thank the House for its support.

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

**Motion agreed to.**

### *Motions*

### **CITY OF SYDNEY AND PUBLIC HISTORICAL STATUES**

**The Hon. TANIA MIHAILUK (15:53):** I seek leave to amend private members' business item No. 677 by inserting after paragraph (2) (c):

- (3) That this House calls on the Minister for Police and Counter-terrorism to work with the City of Sydney council to ensure that the appropriate security measures are in place to protect all historical statues in its care and subsequently our heritage from any vandalism.

**Leave granted.**

**The Hon. TANIA MIHAILUK:** Accordingly, I move:

- (1) That this House notes that:
  - (a) on 23 October 2023 the City of Sydney unanimously adopted a motion, item 10.7, titled "Truth-Telling in the Public Domain";
  - (b) the motion seeks to undertake a review of the public historical statues in the City of Sydney and to introduce alternate plaques, signage or other additions to the statues which it claims "feature inaccurate, misleading and offensive accounts of the feats of those commemorated";
  - (c) the statues include historical figures, such as Captain Cook, Queen Victoria, and governors Phillip and Macquarie;
  - (d) despite being in the care of the City of Sydney, the statues serve as a reminder of our nation's proud history and are valued by the vast majority of New South Wales; and
  - (e) sadly, a number of the statues have been the target of vandalism in the past, including being defaced with slogans such as "No pride in genocide" and "Change the date".
- (2) That this House calls on the Minister for Heritage to:
  - (a) issue an interim heritage order to protect the historical statues earmarked for review by the City of Sydney;
  - (b) request the Heritage Council of NSW to investigate and consider recommending the placement of the statues onto the State Heritage Register; and
  - (c) encourage the City of Sydney to erect additional statues of significant Aboriginal historical figures, which will commemorate their contribution and the contribution of Indigenous Australians to our nation's history.
- (3) That this House calls on the Minister for Police and Counter-terrorism to work with the City of Sydney council to ensure that the appropriate security measures are in place to protect all historical statues in its care and subsequently our heritage from vandalism.

Last year on 23 October, the City of Sydney council unanimously adopted a motion, item 10.7, self-righteously titled, "Truth-telling in the Public Domain". The motion seeks to enable a review of public historical statues in the City of Sydney and introduce alternative plaques, signage or other additions to the statues that the council claims "features inaccurate, misleading and offensive counts of the feats of those commemorated". Over two dozen historical statues are to be reviewed. I note the review has not come back to council. The general manager is to conduct the review and the findings are not back with the City of Sydney council.

Nevertheless, I think it is important that this Parliament acts swiftly to protect the statues. As I said, over two dozen historical statues are to be reviewed. Targets include Queen Victoria and her husband, Prince Albert, Captain Cook and, most notably, Governor Lachlan Macquarie. I find the targeting of Governor Macquarie particularly ironic given that when the statue was unveiled in 2013 by the then Governor of New South Wales, Marie Bashir, and the former Premier of New South Wales, the Sydney Lord Mayor Clover Moore described Macquarie as:

Perhaps the first champion of Sydney who had the welfare of everyone in the colony at heart, including the local Indigenous population.

Those are her words. That was Clover Moore in 2013. A decade later of far-left activism and being exacerbated by the loss of the Indigenous voice to Parliament, the council is now motivated by bitterness and not common sense. Virtually seven days after a vote where the people of New South Wales resoundingly said no to the voice, the council moved this motion to suddenly review the signage of the plaques across two dozen historical statues in the City of Sydney.

I think the commonsense approach, which I raised in budget estimates—and I note the Minister for Heritage is in the Chamber—is for the Minister for Heritage, the Hon. Penny Sharpe, to issue an interim heritage order to protect historical statues earmarked for review by the City of Sydney and request that the Heritage Council of NSW investigate and consider recommending the placement of the statues on to the State Heritage Register. That would not only prevent far-left agitators from fruitlessly trying to rewrite Australia's history—as if changing a few plaques is somehow going to make a huge profound difference to Australia's history—but also inspire greater protections for the statues against vandalism. We have seen some horrific acts of vandalism in Victoria. I have no doubt the next target will be New South Wales and other parts of Australia as the same agitators go around State by State trying to destroy Australia's history.

For some reason, Captain Cook is a particular target. In St Kilda not only were the words, I think, "The colony will fall" spray-painted on the statue on the eve of Australia Day but also it was sawn off at the ankles. Now we hear that despite the Victorian Government offering to pay for those statues to be rebuilt, the woke left council in St Kilda does not want to do that. Surprise, surprise, the criminals who vandalised that statue win by the very fact that the council will not reinstate the statue. The amendment to my motion is also important as it ensures that the police Minister is working with the City of Sydney council to ensure that the appropriate security measures are in place for City of Sydney council to ensure that the same acts of vandalism that occurred in St Kilda do not suddenly occur in Sydney CBD.

When I went to have a look at the statue of Captain Cook in Hyde Park recently, I noted with interest that I had to wait as tourists were looking at and taking photos of the statue. It is quite clearly a significant place that people like to visit. The statue was dedicated on 25 February 1879 in front of 60,000 people. That day was a public holiday for Sydney, with 12,000 people also joining in a procession to the statue where they were greeted by 200 schoolchildren singing the national anthem. That is part of our history and should be acknowledged. [*Time expired.*]

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** Before I call Ms Sue Higginson I will say this to her. She may sit at the other end of the Chamber from me, but if she thinks that I did not hear all of her interjections during the member's contribution, she is sorely mistaken. I did not want to interrupt the Hon. Tania Mihailuk, because these debates are timed, but I would hate to see the same happen to Ms Sue Higginson. I ask the member to take that on board before she proceeds further.

**Ms SUE HIGGINSON (15:59):** I take it all on board. I was just very offended. On behalf of The Greens, I indicate that we will not be supporting the motion—

[*A member interjected.*]

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** The same rules apply to the Hon. Tania Mihailuk.

**Ms SUE HIGGINSON:** —from Pauline Hanson's One Nation party. Further, I commend the fantastic work of proud Wiradjuri woman and City of Sydney councillor Yvonne Weldon. The motion passed by the City of Sydney councillors that the Hon. Tania Mihailuk is objecting to is an example of local government representing their community. As noted by the council motion, residents in the City of Sydney overwhelmingly voted in support of a constitutional amendment that would be a small recognition of the history of this country and for the First Peoples and First Nations of Australia.

Truth-telling is one of the key reforms identified by the Uluru Statement from the Heart and is something that all of us, and councils, can act on in our daily lives. First among those actions that we can take is to be honest with ourselves about the more than 40,000 years of human history on this continent and the very intentional

invasion and genocide of First Nations people. These actions were deliberately perpetrated by people who are currently memorialised by statues throughout Sydney and beyond. These monuments stand without the context of the country that they exist on or a true account of what these people did and the cultures and people that they deliberately attempted to destroy. It is by the greatest of grace that the murder and dispossession of First Nations people that was committed by European invaders, and later by white Australians, was not successful. Through the strength and resilience of Aboriginal communities, we are lucky to share a home with the oldest continuous cultures in the world.

The plaque that adorns the statue of Lachlan Macquarie, as was pointed out, reads, "He was a perfect gentleman, a Christian and a supreme legislator of the human heart." Does this description recognise that Macquarie was directly responsible for the murder of men, women and children at the Appin massacre on 17 April 1816—a man whose own diary shows that he instructed soldiers under his command to hang human bodies from trees "in order to strike the greater terror into the survivors"? I think not! It is not honest. It does not reflect history.

The First Peoples Dialogue Forum was held in Sydney as part of the City of Sydney's Sustainable Sydney 2030-2050 program. It identified the importance of "decolonising the city by debunking the myths of Australia and telling the truth". Further back, in 2011 the City of Sydney recognised in its corporate plan that colonisation "had far-reaching and devastating impacts on the Eora nation, including the occupation and appropriation of their traditional lands". These are the actions of the council that Pauline Hanson's One Nation party is criticising. It is a council that One Nation is not represented on due to the party's far right and racist ideology.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (16:02):** The New South Wales Government believes that councils can pass motions relevant to their own local communities. Councils around New South Wales undergo a range of programs when it comes to their local heritage and also undertake a range of education programs. Late last year the City of Sydney passed a motion to consider introducing alternative plaques, signage or other additions to the statues. Similar initiatives have occurred around New South Wales and, indeed, Australia. Councils have a key role in sustaining the links between the local community, its history and its heritage. Signs and other interpretive strategies and methods can be an important part of assisting the community to appreciate the significance of heritage items. When done well, additional plaques and signage can be a way of recognising the multiple stories that exist in a single place. Adding stories does not erase other stories; they all exist together, sometimes in tension, as we are often finding. That is what heritage is: recognising the many different stories of single places.

I make the following points to update the member in relation to the interim heritage orders included in this motion. The City of Sydney has not contacted Heritage NSW or my office in relation to its planned review of public statues. It is a matter for them. In addition, owners and custodians of items of State and local heritage significance—or of potential State or local heritage significance—are encouraged to seek advice from a suitably qualified heritage professional when considering changes or alterations. Activities and works to State Heritage Register items require approval under the Heritage Act 1977. The City of Sydney holds delegation from the Heritage Council of NSW to approve works to State Heritage Register items that it is in control of. As part of this delegation and in some circumstances, minor works such as the installation of signage to provide information to assist in the interpretation of the significance of items on the State Heritage Register are exempt from approval under the Heritage Act 1977.

In relation to the heritage orders, these statues already have heritage protection. Interim heritage orders can only be considered if a statue has potential heritage significance, does not have heritage protection and is under imminent threat. The consideration of the addition of whether other information is provided in relation to these statues is not considered an imminent threat and, no, I will not be introducing an interim heritage order, because I do not have the power to do so, given those conditions. Finally, this Government is committed to recognising the many parts of heritage within the State. The Government is working on a New South Wales heritage strategy. I think these items will be discussed as a part of that. We on this side welcome the ongoing conversation about how we recognise place, stories and our history as we look further into the future.

**The Hon. RACHEL MERTON (16:05):** I support the motion of the Hon. Tania Mihailuk. I have written recently on the matter of the City of Sydney council's contempt for the many of the historic statues in this city for *The Daily Telegraph*—one of the world's great newspapers—so I am pleased to contribute on this important matter relating to our city's heritage. The decision by the council, in the wake of the landslide defeat of the Voice in the referendum, to undertake an audit of up to 25 of the city's historic statues and to basically see if they remain appropriate in the eyes of the City of Sydney political commissars stinks of municipal vindictiveness and ideological spite.

The City of Sydney behaviour during the Voice referendum was quite unbelievable. The blatant endless partisan campaigning for the Voice—the free rent for office space, the posters at every bus stop—was an abuse of office and a waste of ratepayer funds provided by citizens and businesses for the delivery of core council

services like emptying garbage bins and maintaining footpaths. In the wake of the Voice's defeat, we suddenly see some council members demanding a shonky, ideologically-driven audit of some of the symbols commemorating some of Sydney's most respected and celebrated figures like Captain Arthur Phillip, Captain James Cook and Governor Lachlan Macquarie—great men of history who were at the heart of the founding of Sydney and modern Australia. Is this audit a tawdry payback for the result of 14 October?

We hear those advocating for this audit that it is not necessarily about removing statues but about providing context. We have seen this ridiculous, absurd situation of the beautiful and historic City of Sydney flag being confiscated by council ideologues and scheduled for future termination. Today demands are made to audit the statues of Cook and Phillip. What is next: renaming streets and suburbs? The fact remains that the courage, dedication and determination of the likes of Phillip, Cook and Macquarie was critical to the great modern success story that is our State of New South Wales. We do not need a council audit of James Cook; in fact, we need more of these statues—bigger and greater statues. We need to do more to honour and celebrate their contributions to Sydney. These statues belong to all the people of New South Wales. As I wrote in the *Telegraph*, it is time for the Premier to send a loud and clear message to this council to get back to the work that it is paid to do: Get back to providing services to the ratepayers. I commend the motion.

**The Hon. CAMERON MURPHY (16:08):** There is a lot to work with from that last contribution and the contribution by the Hon. Tania Mihailuk. I contribute to debate to oppose the motion and to say that the decision of City of Sydney council is eminently sensible. The motion highlights the constant problem of these statues being vandalised. Putting accurate, historical context around these statues and keeping them in place may result in fewer of them being vandalised. I have had the pleasure of defending people that have been accused of vandalising these statues from time to time and, frankly, a statue of someone that is one person's pioneer or hero is another person's genocidal maniac. That is the reason that we end up in this debate. These statues are being vandalised as a symbol of oppression in some people's view.

I have to say, I am constantly astounded when I walk around the city by the sheer number of statues of various monarchs, members of their families and people who have never even visited this nation, let alone the City of Sydney. They are put there as some object of worship for no apparent reason. In my view, there should be fewer statues of people. We should have a movement towards modern art. If we are going to have statues, we should have sculptures or something that people can look at that will spark their interest and a sensible discussion, rather than the discussion we are having now as a typical Wednesday debate for a bit of red meat for the supporters of One Nation.

Providing historical context to some of the events in the lives of the people that these statues represent would be an eminently sensible measure. As I understand it, the council is not doing anything to remove these statues. It is simply going to add plaques to provide accurate historical information about the things they did. Those might be the good things they did or the terrible things they did and there is nothing wrong at all with the council doing that. The motion itself is ludicrous. It asks the Minister to do something that the Minister has no power to do. For those reasons, I urge all members in the House to oppose the motion.

**The Hon. CHRIS RATH (16:12):** We should be proud to be Australian, the greatest country on earth. Australia is, indeed, a partnership between three different histories, being our ancient Indigenous history, our inheritance from Britain and our inheritance and history from those who have more recently migrated from across the seas. It is not helpful to go down the path of cancel culture and of constantly tearing down and vandalising statues of some of the great figures of the past.

Members might not exactly like it, but we have inherited a lot from Britain and from those in the past, whether it be our Westminster parliamentary democracy, freedom of speech or the rule of law. We inherited those traditions, institutions and values, and they should be celebrated. We should celebrate those people who made that happen and built modern Australia, like Captain Cook, Arthur Phillip and Governor Macquarie. Of course those people did not get everything right. Nobody is denying that there are blemishes in Australia's past. But that does not mean that anybody has the right to vandalise and tear down statues of some of the great Australians of the past to which we owe one heck of a lot.

I particularly like the amendment moved by the Hon. Tania Mihailuk that calls for greater safety mechanisms and security. She has incorporated a good amendment. We should be cancelling cancel culture. That is what we should be doing. We should be proud to be Australian and of the numerous successes that we have had over hundreds and indeed thousands of years. This motion reminds me in many ways of a quote from Orwell in 1984. He states:

Every record has been destroyed or falsified, every book rewritten, every picture has been repainted, every statue and street building has been renamed, every date has been altered.

That is the path that some members want to go down. It is completely absurd. We should not go down the path of completely erasing the great achievements of the past. At the City of Sydney council, one of my good friends Councillor Lyndon Gannon was not even able to use the city's flag in his council office. It was torn out of his office by the woke lefties at the City of Sydney. It is completely inappropriate to have a council's flag torn from a councillor's office. I urge all members to support the motion.

**The Hon. Dr SARAH KAINE (16:15):** Like other members in the Chamber today, I was not intending to speak but I felt the urge after listening to some of the contributions. I should probably make a disclosure. The Hon. Tania Mihailuk was not a member of the House when I made my inaugural speech in this place. One of the opening things that I asked for was indeed a review of the statues that we have in the City of Sydney and New South Wales to take account of the fact that there are so few women represented amongst those statues.

**The Hon. Chris Rath:** Queen Victoria!

**The Hon. Dr SARAH KAINE:** Let's go to that. I acknowledge that interjection from the Hon. Chris Rath. The argument so far has been that we need to keep the statues of these people because they gave great contributions to the early settlement. For those members who were not in the Chamber to listen to my very engaging private members statement earlier in the day, I spoke about the fact that the monarchy is based on nothing more than brute force and money, and that is how it was established. So I am unclear how having a statue of Queen Victoria, who was simply part of a family that managed to continue to be in power, contributed to the wellbeing of the State and the nation.

The other interesting contribution has been this idea of erasing history. I argue that a huge amount of history has never appeared. We have not fully recognised the contribution of women to the development of New South Wales. We have not fully recognised the contribution of our Indigenous Australians. We have not fully recognised and do not fully recognise the contributions of many people from many different backgrounds. The number of dead white men who we venerate in this city is disproportionate. We should encourage anything that looks to make a change to that and sensibly considers other contributions. I ask those opposite to consider, if the truth was indeed set in 1789, is that the truth we intend to go with forever? Perhaps we are better off forgetting some other uncomfortable truths from that era. If 1789—was that the year?

**The Hon. Tania Mihailuk:** It was 1879.

**The Hon. Dr SARAH KAINE:** Sorry, 1879. The French Revolution was 1789. If 1879 is the year that we take as year zero for truth, we have some issues. I ask honourable members to consider the motion carefully.

**The Hon. JEREMY BUCKINGHAM (16:18):** I speak against the motion in the strongest possible terms. As a former stonemason who has constructed public memorials, I think that they have a magnificent impact on our public life. They remind us of our past. There are memorials in this very room that remind us of our past, good and bad. I note the contribution of the Hon. Chris Rath, who, in describing some of the worst aspects of our history, described them as a "blemish". I think that says a lot.

To describe the invasion, dispossession and genocide of one of the longest continuous living cultures in the world as a "blemish" says a lot about the Hon. Chris Rath's misunderstanding of the pain and continued suffering that Aboriginal people experience in this country. It is enormously painful for them to look at statues of people such as Governor Lachlan Macquarie, who was in charge of the administration of this State and ordered genocidal massacres with the stroke of a pen, and for those monuments to not reflect the truth of our understanding of what happened.

The move by the City of Sydney is incredibly important. I for one have called for more memorials to significant events in our past and beyond rich white men, as members have already said. I have asked for a memorial to 50 years of AC/DC. How important would that be! But are working-class boys from Burwood going to get a memorial? No. There are millions of statues of landed gentry from England, but we would do well to better reflect the diversity of our society in our public memorials. There is nothing wrong with updating them. I encourage all honourable members to visit in particular the *Yininmadyemi Thou didst let fall* memorial in Hyde Park. It is an absolutely fantastic memorial to the Aboriginal Australians who fought and died in Vietnam and other wars that our country has faced. It is a fantastic memorial, and we should see more of them.

**The Hon. ANTHONY D'ADAM (16:21):** I cannot resist the opportunity to dive into this debate. Given that the Hon. Chris Rath quoted George Orwell, I will also quote George Orwell. He said, "Who controls the past controls the future." I relish this debate as a student of history, because history is all about conflict. It is about conflicting interpretations, and our understanding should never be static. History is useful in respect to how we understand where we are now and where we are going, and that is constantly changing and evolving. The City of Sydney is adding new stories and new interpretations. That is critical. Who we venerate, who we celebrate, who

we elevate and who we denigrate are all subject to change, contestation and debate. I think what the City of Sydney is doing is a good thing and it should be commended.

**The Hon. TANIA MIHAILUK (16:22):** In reply: I thank all members who made a contribution to the debate. I remind members that what I have specifically asked for is an interim order to protect the statues. I have also requested the Heritage Council of NSW to investigate and consider recommending the placement of the statues on the State Heritage Register and I have encouraged the City of Sydney to erect new statues of significant Aboriginal historical figures and protect the statues from vandalism. Members may want to read what they are opposing, because there is nothing about plaques in my motion. It is clear from the contribution of the Socialist Left grouping opposite, which involves Labor, The Greens and the Legalise Cannabis Party—

*[Members interjected.]*

Everybody in New South Wales knows that the Socialist Left controls the Labor Party. I am surprised by the Minister's contribution today in relation to the Heritage Act. Section 24 of the Heritage Act clearly allows the Minister to make an interim order, and the Minister knows this. The Minister can place those statues onto the State register, and she knows this. She misled Parliament by saying that she cannot when she actually can. I ask the Minister to seek further advice from her staff, and perhaps from the department, to make it clear that she can make those orders under the Act. She actually can.

If the Minister does not want to, that is a different matter. The Minister can stand in this place and say that she does not want to do something; that is one issue. But she should not say that she cannot and that she does not have the legal capacity to do so, because that is fundamentally wrong under the Act. I have read that Act. I have read the relevant section, and I have raised it with the Minister at budget estimates. I think it is appalling that the Minister tried to suggest that she does not have any legal capacity to make that amendment when in fact she does.

**Ms Sue Higginson:** Point of order: The member is saying something that is completely untrue about the Minister. It is bringing the House into disrepute to make such an allegation at this point. The Minister made it very clear that she has powers in certain circumstances, and those circumstances are not remotely within scope. That was her genuine, sincere and accurate contribution. This member is making literally a wrongful accusation about a statement in a contribution made within the past half-hour. It is a problem, and it is a point of order.

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** The Hon. Tania Mihailuk's time has expired.

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

**The House divided.**

Ayes ..... 16  
Noes ..... 19  
Majority.....3

#### AYES

Carter  
Fang (teller)  
Farlow  
Farraway  
Latham  
MacDonald

Maclaren-Jones  
Martin  
Merton  
Mihailuk  
Mitchell

Munro  
Rath (teller)  
Roberts  
Ruddick  
Tudehope

#### NOES

Boyd  
Buckingham  
Buttigieg  
Cohn  
D'Adam  
Faehrmann  
Graham

Higginson  
Houssos  
Hurst  
Jackson  
Kaine  
Lawrence

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

#### PAIRS

Taylor  
Ward

Suvaal  
Donnelly

**Motion negatived.**

*Bills*

**CRIME AND CRIMINAL PROCEDURE LEGISLATION AMENDMENT BILL 2023**

**First Reading**

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

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

**Statement of public interest tabled.**

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

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

**Motion agreed to.**

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

That the second reading of the bill stand as an order of the day for the next sitting day.

**Motion agreed to.**

*Documents*

**KOSCIUSZKO NATIONAL PARK WILD HORSE HERITAGE MANAGEMENT PLAN**

**Tabling of Redacted Documents**

**The CLERK:** According to Standing Order 52 (7), I table additional documents with personal information redacted relating to an order for papers regarding the proposed amendment to the Kosciuszko National Park Wild Horse Heritage Management Plan, received on Wednesday 7 February 2024 from the Director, Legal, of the Cabinet Office, together with an indexed list of documents.

*Motions*

**ROAD TOLLS**

**The Hon. Dr SARAH KAINE (16:35):** I move:

That this House supports the Minns Labor Government's plan to introduce a \$60 weekly toll cap.

Some \$123 billion is the minimum value Sydney motorists will pay for tolls by 2060. That \$123 billion includes revenue to privatised toll road concessions, including the entire WestConnex system, NorthConnex, the Eastern Distributor, the M2 and the M7. That is \$123 billion that drivers have been made aware of for the first time by this Government so that they know what they can expect to pay for tolls for the coming four decades before existing contracts expire. And that \$123 billion has been calculated on a conservative set of assumptions by NSW Treasury and Transport, including a long-term inflation rate of 2.5 per cent—don't we wish—and projected population growth in New South Wales, to create the baseline minimum toll burden.

The toll bill from WestConnex alone, signed off under the Liberals, is \$64 billion out to 2060. That disclosure is important for transparency and to inform the public conversation about the privatised Sydney toll road network and the long tail of costs to motorists. But it also reveals the impact of tolls on the current cost-of-living crisis for the people of New South Wales. To ease the cost-of-living impact of tolls, the Government has introduced the biggest cost-of-living measure to date: a \$60 weekly toll cap, which began on 1 January. That is where the rubber hits the road for supporting cost-of-living measures for the people of New South Wales, and I encourage every member in the Chamber to support this motion and that important cost-of-living relief measure.

The rebate is set to benefit over 700,000 toll account holders. Private motorists with a New South Wales toll account are eligible to claim the toll cap, and I encourage everyone who can to link their toll account to their MyServiceNSW account. In the first week of January alone around 59,600 motorists were eligible to claim the toll cap, with the number expected to increase with the return from holidays and back to school. The rebate applies to private motorists with a New South Wales toll account and excludes truck spend and M5 cashback eligible spend. People in Western Sydney, who have fewer public transport options and cannot avoid higher weekly toll bills, will benefit the most from the relief. Kellyville and its surrounding suburbs are where the most drivers by number will benefit, with over 13,000 toll accounts to claim an average of \$399 a year each—or almost \$5.3 million across the postcode in a calendar year.

Residents in Lakemba, which is close to my home, will have the highest average benefit per motorist, with an average rebate of \$952 per year. A motorist in Silverwater will receive back an average of \$475 in 2024, while in Glendenning toll account owners will be able to claim, on average, \$540 in cash back. Motorists will receive back \$440 in Blacktown, \$504 in Rosehill and \$446 in Quakers Hill. But even the people in suburbs in my duty electorates of Oatley, Miranda, Cronulla and Kiama, where use of toll roads is not as prevalent, will benefit. In the suburb of Oatley, 8,023 accounts will receive back an average of \$303 per year. In the suburb of Miranda, 7,671 accounts will receive back an average of \$141 per year. In the suburb of Cronulla, 12,130 accounts will receive back an average of \$120 per year. Even further afield, in Jamberoo 4,172 accounts will receive back an average of \$132 per year.

The toll cap for private motorists is not the only way the Government is meeting its commitment to toll relief. Our second toll relief commitment is the toll relief rebate known as the truck multiplier scheme, which aims to reduce traffic congestion on local roads by encouraging trucks to use toll roads. It also supports the trucking industry by reducing the cost of the transportation of goods. I call on members to back these measures as they are positive for the people of New South Wales and will benefit hundreds of thousands of motorists. I commend the motion to the House.

**The Hon. SCOTT FARLOW (16:39):** I lead for the Opposition in debate on the motion moved by the Hon. Dr Sarah Kaine. I speak on behalf of the Hon. Natalie Ward, our hardworking shadow Minister for Roads, who unfortunately cannot be here today but has been vocal on this issue. In fact, when in government she was vocal on offering toll relief because the Coalition supports toll relief when it is costed properly, and of course that is what we undertook to do when in government. Our cashback provided motorists with up to \$750 based on a 40 per cent total of their toll spend, and relief started once \$375 was spent on tolls in a quarter.

The Coalition's policy was budgeted for until 30 June 2024 and it was tracking on budget—there were no huge blowouts. Based on a comparison with the Government's pre-election costings, under Labor's toll cap we have already seen it blow out by \$400 million before anyone has used the cap. The Government is all about choices and priorities, and while this is welcome cost-of-living relief for motorists and toll payers across Sydney, that has an impact elsewhere. We saw the impacts in the axing of the Active Kids vouchers, the Back to School vouchers and, of course, the necessary learn to swim vouchers. They were all cut because of this program's \$400 million blowout. We can ask the Minister for Roads about that—though I must say he is a good Minister.

The Government has already broken its promise on eligibility because it simply could not afford it. The Government promised that the scheme would apply to toll accounts that hit the \$60 toll cap, but late last year it changed the eligibility to toll tags rather than accounts. Members may ask why that matters as it sounds like semantics, but it makes it even harder to get relief. If we take a couple who lives in Penrith and uses toll roads, Chris Minns promised them that if their toll spend under the family account hit \$60 a week, they would get relief. However, now they both have to hit \$60 a week to get relief in their toll account, so they must spend \$120 a week to receive toll relief. The question that remains is why the Government did this. It did so because it blew the budget and it had to raise tolls on the Sydney Harbour Bridge and tunnel to pay for its promises.

At the same time, infrastructure in Western Sydney is not keeping up under the Minns Government. The former Liberal-Nationals Government, together with the Federal Coalition Government, invested over \$15 billion to build the future transport infrastructure for the Western Sydney airport and aerotropolis, but we have already seen drastic cuts to infrastructure including the M7 to M12 link. We cannot trust Labor on the delivery of infrastructure and we cannot trust Labor to balance the budget.

**Ms ABIGAIL BOYD (16:42):** The Greens will not oppose the motion moved by the Hon. Dr Sarah Kaine, but members have forgotten how we got here in the first place. Members of the former Coalition Government and this Government have been praising themselves for the toll relief they have provided to drivers, but they have neglected to point out that government actions have led to this enormous toll burden on the public in the first place. As we discovered in the last Parliament's Portfolio Committee No. 6 – Transport and the Arts inquiry into road tolls, which I chaired, the former Coalition Government signed us up to transactions with Transurban which mean that the millions of dollars in toll relief that are leaving the public coffers are going to prop up the profits of Transurban.

Transurban's profits are not reduced by this toll relief. Instead of addressing the problems that created this situation in the first place—that is, a privatised tolling system—we are now being forced to provide relief to drivers so that they are not driven, no pun intended, to the point of poverty because of those privatised contracts. I ask the Government: Why have the tolling contracts not been released? I am sure that was an election promise. I ask also: When will we see the list of restrictive covenants that those contracts contain? We have been told that they include measures like restricting what we can do with public transport in nearby places. Is that true? I want to know; I want to see those contracts. I want to see whether the Rozelle interchange related to those tolling arrangements. I do not know; I would like to see.

When will those contracts be released? What is the Government doing about the punitive and very unreasonable administration fees that were being charged by Transurban, which we discovered during that committee inquiry? They were pushing people into the most dire circumstances and causing incredible debts to be racked up by some of the most vulnerable people in our community. All members of that inquiry agreed that those fees were unfair, unreasonable and needed to be outlawed, yet we are almost one year into the new government and I have not seen anything to address that. I would like to receive a response to those questions because I am sick of us continuing to put money into the pockets of Transurban. I would like us to take back control of our roads.

**The Hon. MARK BUTTIGIEG (16:45):** I contribute to debate on the motion, which I thank the Hon. Dr Sarah Kaine for moving. It is important that we remember the platform on which the Government was elected and the emblematic issues of the election campaign. That is what we will be held accountable to. Members would remember that privatisation was a contested space in the election campaign. The Opposition, which was then in government, insisted that privatisation was the way to go because of the euphemistic term asset recycling. Several examples included the privatisation of electricity operators, ports and land titles, but perhaps one of the most emblematic examples that resonated with electorates was the privatisation of our roads. I was doorknocking in electorates like Camden, Leppington and, to a lesser extent, Heathcote, where residents were paying a fortune simply to get on a road that had hitherto been provided by governments.

Under the old model, governments would borrow money, build roads and then toll them, and when the road was paid off the toll would be lifted and the public would own the road. That was an eminently sensible model. Then the former Government went down the path of deciding that it was better for the private sector to have a monopoly on those roads. These are essential assets that people have to use to get to and from work every day. They are essential modes of transport that enable people to live a decent life and earn a living. As we have heard in contributions to debate, we are on the hook for \$123 billion to the year 2060. The Government has said, "We cannot extricate ourselves from those contracts in the short term because of the mess that was left to us by those opposite due to their blind adherence to an ideology that says that everything must be done by the private sector, so what we're going to do is provide toll relief with a \$60 a week toll cap."

That went down a treat when we were doorknocking, and that key Labor platform commitment during the election campaign helped us to win government. The fact that that toll cap has now been implemented as of January—and I congratulate the Minister for bringing that to fruition—means that people who spend thousands and thousands of dollars a year on tolls will now get relief. The classic example is that for a motorist who spends \$200 a week on tolls, under this \$60 toll cap that motorist will save \$7,280 a year. That is very real, short-term relief that people will appreciate. But it goes beyond that because Professor Allan Fels is looking into the myriad complexities associated with the \$123 billion in contracts that the Government is now on the hook for. I commend the motion to the House. I thank the member for introducing the motion and I thank the Minister for introducing the cap.

**The Hon. BOB NANVA (16:48):** The Minister has previously spoken about the cost-of-living relief that suburbs like Kellyville, Lakemba and Silverwater will receive as a result of this initiative, but he should not hide his light under a bushel. This has wide-sweeping cost-of-living impacts and relief for people across Sydney. After rent and mortgages, tolls can be one of the highest household expenses for many families in Penrith, the Blue Mountains, Campbelltown and Blacktown. Given the sheer number of new toll roads and the re-tolling of previously public roads, for these Western Sydney communities there is no viable option to get into the CBD other than to pay a toll. I know that only too well as someone who has resided in the Blue Mountains and now Penrith for many years. Over 12 years, Western Sydney communities like the one I live in have effectively had to pay a back-door tax to get into their own Sydney CBD.

This measure not only provides relief to household budgets in a selection of suburbs but also to entire regions—western, north-western and south-western Sydney, and even the Central Coast. That the cost-of-living relief given by this initiative is so widespread speaks to how ubiquitous private toll roads have become across our city. You cannot escape them and you cannot avoid paying for them, but as a result of this Labor Government cap you will not go broke trying to use them. As a result of the cap, motorists who might spend \$200 a week on tolls—which is not uncommon in areas like mine—can expect to receive \$7,300 in relief to spend on other household essentials.

The Opposition has previously advocated for a range of cost-of-living measures—and fair enough—which makes its opposition to this cap rather surprising. I thought there was perhaps an ideological aversion to caps with the Opposition until I recalled its 12-year obsession with a wages cap. It was opposed to a cap on tolls but not opposed to a cap on wages. It is a remarkable cost-of-living strategy by the Opposition to oppose a toll cap and support a wage cap. As it entered into secret contracts with private toll operators over the last 12 years, inflating the cost of tolls by about 4 per cent each and every year, it kept an unfair wage cap in place for essential service

workers who were trying to get into work in the city. If you were an essential service worker using those toll roads, your wages were being capped while toll roads were not—a cost-of-living double whammy if I have ever seen one. The toll cap is a great start by the Minister, and I thank him as a resident of Western Sydney. It is a real, tangible measure to provide relief to household budgets across north, north-western, south-western and Western Sydney. I cannot wait to see what else he has in store.

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (16:52):** I acknowledge that these tolls are as a result of the actions of governments of both persuasions, but principally those enormous contracts that went into place in those 12 years of Coalition Government. The former Premier described it as "toll mania". Perhaps she spoke in error, but certainly it was accurate from my point of view. In today's dollars there are \$123 billion of tolls we are yet to pay as residents of New South Wales. The reason that is important is you cannot fix a problem you cannot describe. It is the first time those figures have been out there. Up until now those figures were a State secret. The position of Treasury and the former Government was that the public could not know those figures until 2060—and even beyond that. This Government has now put those figures on the record. Of course, we will continue our commitment to release the toll contracts. That work is well underway. We are working through these issues. I commend the mover of this important motion.

I listened closely to the Opposition's position. I commend the shadow Minister for putting on record what few members of the former Government have been prepared to say: that the toll relief position they put to the electorate was to come to a screaming halt on 30 June 2024. That was always their position. I congratulate the shadow Minister on being up-front about that, which some of his colleagues have not been. Members can hear the confusion in the Opposition's position. Firstly, its members are saying too many people are getting this toll relief, with the costs blowing out and 720,000 people to benefit. However, they are simultaneously complaining about too few people getting this cap now that it is going onto the toll tags. That is the contradiction in the Opposition's position. Are too many or too few people getting toll relief under this Government scheme? Well, they have resolved that tension in a simple way: by saying no-one should get it. They are opposed to the toll cap altogether. That is, unbelievably, the position that the Opposition is taking.

I again call on the Opposition to change that view and deal with the cost of living: the biggest issue that residents of this State are facing. Here is a cost-of-living measure that those opposite can and should back. I ask Opposition members to reconsider their position. The Government will be undertaking some next steps in this area. We have called in Allan Fels and David Cousins to work on this problem with the very good public sector agencies of Treasury and Transport. Their draft report will be released shortly. That will be another chance to take a step forward in this public discussion.

**The Hon. Dr SARAH KAINE (16:55):** In reply: I thank all members for their contributions. I thank the Hon. Scott Farlow for his contribution. I note that he has left the Chamber. He seemed a bit worried that his argument might sound like semantics. It was less semantics and more hypocrisy that was evident when he talked about a blowout of budgets. Given that we were bequeathed the largest debt ever of any incoming government—equating to about \$15,700 per person, with interest payments alone each year of over \$4½ million—I think it was a brave strategy for the Hon. Scott Farlow to pursue in his contribution. I thank Ms Abigail Boyd, who pointed out that the previous Government created the problem that required toll relief. However, I do also acknowledge that she included further requests in her contribution.

I thank the Hon. Mark Buttigieg, who reminded us—as he does very well—of the broader issues of privatisation and how unpopular that policy was with voters at the last election. The Hon. Bob Nanva very elegantly compared the toll cap to the wages cap and pointed out the problem with the Opposition's position on caps. He also highlighted that tolls can be one of the highest expenses for families in Western Sydney. That is one thing we wanted to emphasise in putting this motion forward. Members know that families in Western Sydney and other areas are doing it tough. But we recognise that travel, largely to and from work, is a huge impost on their weekly budget. We want to be doing something concrete for that.

I thank Minister Graham for his contribution, which again pointed out the confusion, we might politely say, in the Opposition's position about there being too many or too few people getting this cap. However, it is clear that simple opposition to the toll cap has ended up being its position. I do not agree with that. If Opposition members want to come into this Chamber and have any credibility, particularly those who I know want to be working with people in Western Sydney and other areas, then they need to support any measures that legitimately try to ease cost-of-living pressures for the people of New South Wales. This cap genuinely does that and deserves the support of all members of the House. I commend the motion to the House.

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

**Motion agreed to.**

**GENOCIDE EDUCATION AND AWARENESS**

**The Hon. CHRIS RATH (16:58):** I move:

- (1) That this House acknowledges that 9 December 2023 marked the seventy-fifth anniversary of the adoption of the UN Convention on the Prevention and Punishment of the Crime of Genocide.
- (2) That this House honours the primary initiator of the convention, Dr Raphael Lemkin, influenced by his studies of the Armenian Genocide and Jewish Holocaust.
- (3) That this House urges the Government to expand secondary school Holocaust education to encompass Armenian, Assyrian, and Greek genocides and establish a museum to create awareness about these genocides. I am proud to move this motion and stand in solidarity with those Australians of Armenian, Assyrian and Greek heritage. In 1997 and 2013 New South Wales became the first legislature to recognise the 1915 Armenian, Assyrian and Greek genocides. It was a bipartisan motion of this place. The motion specifically stated at paragraph (2) (c) that this House:

recognises the importance of remembering and learning from such dark chapters in human history to ensure that such crimes against humanity are not allowed to be repeated ...

Today we are debating a motion that calls on this State to expand Holocaust genocide education, mandate the Armenian, Assyrian and Greek genocides in our curriculum, and establish a museum to ensure that future generations are educated about the horrors of the 1915 genocide. I remember that when I was a student at high school in the Illawarra we visited the Sydney Jewish Museum—the Holocaust museum—which was incredibly insightful and interesting. Learning about one of the darkest times in global history was fascinating but also incredibly sad. All of us as Australians—students and children—know a lot about the Holocaust, and rightly so. Many, many years later I learnt about the Armenian, Assyrian and Greek genocides. They are still not well known and not well taught, which is a very sad thing and exactly what the motion is about.

The motion acknowledges that 9 December last year marked the seventy-fifth anniversary of the genocide convention. The scholar who coined the term "genocide", Raphael Lemkin, referenced the Armenian genocide. He said, "I created this word because it happened to the Armenians." We need to understand the reason for this word and the reason is the Armenian genocide, so therefore it must be taught. In May 2014, with a vote of 77-0, California unanimously voted to mandate Armenian genocide education, which many other States have implemented, and New South Wales should follow suit. Education plays a fundamental role in understanding and confronting violent pasts, while at the same time developing the knowledge and values to prevent future atrocities. It is important that we learn the history of Armenian Australians, Greek Australians and Assyrian Australians, many of whom came to these shores as a result of the genocide.

Educating our younger generations about the 1915 Armenian, Assyrian and Greek genocides is also a way to honour our own history. It is a way to honour everyday Australians who rallied behind the Armenian people in our nation's first humanitarian relief effort. We should be proud of our nation's generosity and compassion at a time when people were not alerted to global events by the click of a button. A substantial amount of aid was raised by the people of Australia and Commonwealth steamers were sent to the Middle East, which helped save the lives of many Armenian refugees fleeing the genocide. Wheat donated by Australian farmers from the wheat belt fed the starving genocide survivors in the Middle East. Those aid efforts were led by Australian priests, bishops and archbishops from churches all across our nation who came together to help those who were fleeing persecution and genocide however they could.

Australia's noble role during this dark period of history must not be forgotten, nor should the millions of innocent victims. Instead, it should be honoured. Many people from the Armenian, Greek and Assyrian communities in Australia are descendants of survivors of those genocides. They are proud of Australia and the humanitarian role it has played in the past. Mandated education of this history and establishing a museum dedicated to its memory in Australia are, therefore, imperative. Some 50,000 Armenians, 500,000 Greeks and 70,000 Assyrians call this great country home. We owe it to them and ourselves to educate the rest of this nation about this important part of our shared history. I commend the motion to the House.

**The Hon. DANIEL MOOKHEY (Treasurer) (17:03):** The Government supports the motion. The Convention on the Prevention and Punishment of the Crime of Genocide was passed by the United Nations on 9 December 1948. It was the first human rights treaty in the history of the United Nations and it was passed just before the Universal Declaration of Human Rights [UDHR] was adopted by the United Nations. The Chifley Labor Government, in particular Foreign Minister H. V. Evatt, was instrumental in the passage of the UDHR and the genocide convention. It is important to recall that the genocide convention was created as a way to hold the Nazis accountable for their actions and equally to establish the principle that those who commit the crime of genocide will be held to account by the international community. Prior to establishing the convention, there was no recognised theory that suggested that one nation could hold the leaders of another accountable, which is still a contested principle.

Paragraph (3) of the motion urges the Government to consider further steps to teach the history of genocide in the State's curriculum, specifically some named genocides. The Government will always consider the expertise of its curriculum advisers when it comes to setting the curriculum. It is a source of great pride to this nation and this State that we use experts to set curriculums. I know the Minister for Education and Early Learning has already sought advice about the teaching of the subject matter referred to in the motion. I inform the House that the NSW Education Standards Authority is in consultation mode about the new history syllabuses, and that includes updated context around the Holocaust and acknowledging other forms of genocide.

In that debate it should also be acknowledged that First Nations people are campaigning for an updated version of the teaching curriculum to properly reflect the history and experiences of First Nations people following the arrival of the British on this soil. It is fitting that we are having this debate in the Legislative Council, which in various iterations across its 200-year history has played a very big role in the history of First Nations violence in the colony. The Government is leaving that debate to the State's historians to work through the education. In a debate like this we should acknowledge the fact that First Nations people are seeking that as part of the next version of curriculum reform. The Government is working respectfully with First Nations people as we go about making sure that we are teaching all of our history. Lots of people in the community are the victims of genocide or the descendants of victims of genocide. I know some members of this House are from a variety of different backgrounds. It is so important that we make sure we do not forget that history and that, again, we commemorate how great an achievement it was to establish the Convention on the Prevention and Punishment of the Crime of Genocide.

**Dr AMANDA COHN (17:06):** A representative of the Lemkin Institute for Genocide Prevention, a United States-based NGO named in honour of Raphael Lemkin, stated:

Genocide is a crime in international law and is a permanent moral wound on the body of humanity. There is never a justification for perpetration of this crime.

In 1997 the New South Wales Parliament formally recognised the Armenian genocide and designated 24 April as a day of remembrance. Recognition of this genocide is important for Armenians and for all of us. As the granddaughter of Holocaust refugees, this matter is not only one of principle but one that is personal for me and my family. Formal recognition and remembrance of genocide, as well as education, are critical for healing and so that it never happens again. I share the sentiments of my colleague and former member of the New South Wales Parliament John Kaye. When study of the Holocaust was made compulsory for all stage 5 students in 2012, he said that this essential education should be taught in the context of other twentieth century genocides.

In supporting the motion, The Greens note that it is unclear why particular genocides have been selected by the Hon. Chris Rath in the absence of others—for example, the Rwandan or Tamil genocides. In stage 5 Holocaust education, schools are already empowered to teach about the atrocities named in the motion. However, it is valuable for members to have the opportunity to discuss the importance of truth-telling today. Genocide is not just historical; every one of us should be making an active effort to prevent it.

The Lemkin Institute, which I quoted earlier, issues active genocide alerts when developments occur that it believes show clear signs of genocide in process. It has recently issued alerts regarding the Amhara and Tigray regions of Ethiopia, Sudan, Artsakh and Palestine. The International Court of Justice [ICJ] this month ruled that some acts committed by Israel in Gaza appear to be capable of falling within the provisions of the genocide convention. The ICJ has ordered Israel to refrain from any acts that could fall under the genocide convention, ensure its troops commit no genocidal acts in Gaza, prevent and punish any incitement to commit genocide against Palestinians in Gaza, preserve evidence related to any allegations of genocide, and improve the humanitarian situation for Palestinian civilians, as well as calling on Hamas and other armed groups to immediately release hostages without conditions.

It is despicable that the response from Israel's national security Minister mocked this ruling by posting on social media, "Hague schmague." Today, as we reflect on and acknowledge the importance of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, we must also recognise Australia's responsibilities to prevent genocide in Gaza. A permanent ceasefire and restoration of humanitarian aid in Gaza has never been more urgent. "Never again" means never again for anyone.

**The Hon. SUSAN CARTER (17:09):** "Genocide" is a word which should be said slowly to give the mind a chance to catch up and understand the enormity of this concept. Even then, can we actually contemplate what it means to deliberately set out to destroy another people, not because of anything that they have done but simply because of who they are? The concept is so large and so hard to understand that for many years it went without a name. Churchill spoke of it as "a crime without a name". Now, we have a name: genocide. But does that make this concept or reality any easier to bear?

Perhaps the contemplation of genocide should overwhelm us, as we should be overwhelmed by any contemplation of evil and hate. One cannot visit the Holocaust memorial at Yad Vashem in Jerusalem or the genocide memorial at Swallow's Fortress in Yerevan without being overwhelmed at the sad and senseless loss of life, at the evil which drove this, and at the indifference of others who looked the other way or allowed it to occur. A common human response when encountering such evil is to try not to dwell on the horror of genocide, but not thinking about these issues has a tremendous price: repetition.

The Armenian genocide is acknowledged as the first genocide of the twentieth century—hardly a milestone to be remembered. Indeed, for decades it was brushed aside and ignored. It took 50 years for the Swallow's Fortress memorial in Armenia to be erected. There was a great humanitarian response to this genocide from Australia, but little international recognition of what had happened, except of course in some quarters, where it was used as a playbook. Speaking to his generals in 1939, Hitler is reported as saying:

Genghis Khan led millions of women and children to slaughter—with premeditation and a happy heart. History sees in him solely the founder of a state ... our war aim does not consist in reaching certain lines, but in the physical destruction ... without compassion, men, women and children of Polish derivation and language.

He then finished by saying:

Who, after all, speaks today of the annihilation of the Armenians?

We need to speak of this annihilation, because if we do not name evil, acknowledge that evil has occurred, and teach our children to eschew evil, history teaches us we will repeat it. After the Holocaust the world said, "Never again," yet we see antisemitic speech on our own streets. After Swallow's Fortress was erected, the Armenians hoped "never again", but as journalist Lindsey Snell has exposed, at schools and universities in Azerbaijan the young are being taught to hate Armenians. [*Time expired.*]

**The Hon. MARK BUTTIGIEG (17:13):** I make a contribution to this important motion. The seventy-fifth anniversary of the adoption of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide in 1948 was on 9 December 2023. Since 2015, 9 December has been known as the International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of this Crime. The convention was passed soon after the formation of the United Nations, just prior to the adoption of the Universal Declaration of Human Rights. The convention is currently ratified by 153 countries. As was articulated by my colleague the Treasurer, the Chifley Labor Government, and Foreign Minister H. V. Evatt specifically, were hugely significant in the passage of the Universal Declaration of Human Rights and the genocide convention. H. V. Evatt was in fact the chair, as the President of the United Nations, when the genocide convention was adopted and was part of the drafting of the Universal Declaration of Rights. On this side of the House we have a steeped history of supporting human rights.

I note that the Government recognises the enduring impact genocides continue to have today on people in our communities and the need for students to recognise the horrific nature of genocides. Currently the year 9 and year 10 history syllabus does include some subject matter on the Holocaust, and a new syllabus is due to be circulated for consultation later this term. I think the point made by my colleague the Treasurer about recognising the similar sorts of acts for our Indigenous population is a very important contribution. Last November I had the pleasure of attending the Armenian National Committee of Australia Gala 2023, representing Minister Kamper. I note a number of MPs and MLCs attended. I learnt a lot about the Armenian genocide, although I had been educated by my Greek wife, who is very aware of these sorts of things because of her background.

These are scars that are left on populations for generations and generations. It is very important that we recognise these genocides when they occur. I finish by acknowledging the fact that in 1997 it was the Carr Government that supported the Parliament's recognition of the Armenian genocide, again showing that Labor takes these things seriously. The motion is very well put and should be supported. We should recognise that genocide can occur in any nation and across any peoples, and should be called out for what it is and condemned, but recognised officially as an international war crime.

**The Hon. JACQUI MUNRO (17:16):** I thank the Hon. Chris Rath for bringing this motion to the House. It is a very important matter to consider and obviously an incredibly solemn one. It is a matter that brings together the global and the local. As has been noted already, the genocide convention was the first human rights treaty adopted by the General Assembly of the United Nations in 1948, and Australia was amongst the first signatories to that convention. I note as well that in agreeing to the convention there was an opportunity—and still is—for countries to make objections to the kinds of exceptions that other countries decided to take to certain aspects of the full text of the convention. Australia has made a very staunch contribution to that, not accepting many of the reservations that have been put forward by particular countries because Australia believes in the substance of this text wholly and solely. Article II of the convention, which is the definition of genocide, states:

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

As part of article III there is a list of acts that should be punishable, including direct and public incitement to commit genocide. This, as part of the United Nation's mandate, and that of other international organisations, forms part of the basis of our international rules-based order. This is something that has guided the principles of engagement with other countries since the formation of the United Nations, obviously mostly in response to World War II, but has been able to serve us since. In that framework we are able to work with countries that have their own sovereignty, as we do, and try to respect the sovereignty of those countries as we would expect ours to be. The Hon. Chris Rath mentioned earlier the value of something like the Sydney Jewish Museum—the Holocaust museum. I visited there. I recall it. I met Eddie Jaku on the street before he passed away. Remembering the Shoah through these institutions is so important and means that we can do the same thing with other genocides, including the Armenian, Assyrian and Greek genocides.

**The Hon. ANTHONY D'ADAM (17:19):** The timing of this motion is opportune, given what is occurring in Gaza, but it is oddly silent when we know that genocide is occurring right now in front of our eyes. The motion has some glaring omissions—the Rwandan genocide, the Bosnian genocide, the Tamil genocide.

**The Hon. Daniel Mookhey:** The Khmer Rouge.

**The Hon. ANTHONY D'ADAM:** The Khmer genocide. The genocide convention is a landmark in the evolution of international law and a step to prevent the horrors that occurred during the Second World War, the Holocaust of the European Jewish community, from ever happening again. The cry is "never again" but the world continues to fail on that front. The world failed in Rwanda in 1994, and 800,000 people were killed. In 1995 in Bosnia, in the genocide of Srebrenica, 8,000 Bosnian Muslims were killed. In the Tamil genocide in May 2009 at the end of the Sri Lankan civil war, between 40,000 and 70,000 people were killed. That situation is similar to what is happening in Gaza. The Government had established no-fire zones, encouraged the civilian Tamil population into those no-fire zones and then bombarded those no-fire zones, killing many thousands of people.

Today there have been 28,000 deaths in Gaza. On 26 January the International Court of Justice found that Israel is at risk of perpetrating a genocide. We can all talk about the convention. What is happening in Gaza is horrific. Israel is intentionally dislodging the population of Gaza. It has destroyed 50 per cent of the housing in Gaza. The convention says, "In order to liberate humankind from this scourge, international cooperation is required." That means that when a genocide is occurring, like what is happening now, countries like Australia and the rest of the world must take action to prevent it.

**The Hon. STEPHEN LAWRENCE (17:22):** It is so important that we teach children in our schools about the crime of genocide, not only as an expression of human solidarity but also in light of our own history. In 1938 between 6 July and 15 July the American Government hosted the Évian Conference on how to deal with refugees from Nazi Germany. The Australian Government chief delegate was Colonel White, who told the conference, "As we have no real race problem, we are not desirous of importing one by encouraging any scheme of large-scale foreign migration." On 6 December 1938 William Cooper, an Aboriginal human rights leader, led a protest and a delegation to the German Consul General in Melbourne. One could say that William Cooper was an up-stander and the Australian Government was a bystander. Those are important issues to remember when we talk of our positive contribution to the genocide convention.

It is also important to reflect on contemporary events. I note that the judge appointed by the Israeli Government who sits on the International Court of Justice joined in some of those orders. He particularly did so in respect of incitement to genocide. While the judgement of the court was concerned with questions of prima facie evidence and provisional measures, there is no real question that incitement to genocide has been occurring in Israel, and I think his orders reflect that, as does his profoundly moving judgement. There is no real question about that. There is a broader question about whether the mass civilian death in Gaza is, on allegation, a grave breach of international humanitarian law or genocide.

The Israeli judge said he views it through the prism of international humanitarian law and not through the prism of the convention against genocide. But there is no question, as I said, that incitement to genocide has occurred and that persons of high authority in Israel have urged the destruction of the Palestinians in Gaza. Those contemporary events speak to our common humanity. Are we up-standers or bystanders? Are we in the tradition

of William Cooper, or are we in the tradition of Colonel White, who acted, no doubt, on instructions from his Government?

**The Hon. CHRIS RATH (17:25):** In reply: I thank all members who contributed to this important debate. It is incredibly important to acknowledge the Armenian, Assyrian and Greek genocides and whether they could have a role in our curriculum, because I think they are often forgotten. A recent survey by Deakin University showed that one in four Australians has little or no knowledge of the Holocaust. My assumption would be that if the same question was asked about the Armenian, Assyrian and Greek genocides, that number would be far higher than one in four. As I said, when my high school class visited the Jewish Holocaust museum we had no knowledge of other genocides. I think it is important to expand the comprehension of genocide in this way.

I hope the New South Wales Government and responsible Ministers look at ways to incorporate further genocide studies into the curriculum in an appropriate manner. The Opposition looks to work with the Government in a constructive manner to ensure that is possible. The Hon. Susan Carter made an important point and I will reiterate it. A week before the invasion of Poland in 1939, Adolf Hitler reportedly said, "Who, after all, speaks today of the annihilation of the Armenians?" That is quite an eerie, very depressing comment to reflect on. In some way the genocide that happened to the Armenians in 1915 was used as inspiration for the atrocities of the Holocaust decades later, as if one can get away with it. I think that was an important contribution from the Hon. Susan Carter. Hopefully, by enshrining the Armenian, Assyrian and Greek genocides in our curriculum, that will never be forgotten in the future.

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

**Motion agreed to.**

## HEMP INDUSTRY

**The Hon. JEREMY BUCKINGHAM (17:27):** I move:

- (1) That this House notes that hemp (*Cannabis sativa* L) has been used since ancient times for spinning, weaving, papermaking, human and animal food, medicinal, and health purposes.
- (2) That this House notes that hemp:
  - (a) has been used for thread and rope and has been found in Turkestan, dated 3000 BC;
  - (b) has been found near Naples in Italy where 4,500-year-old teeth were found with grooves and thin hemp yarn traces which was caused by spinning hemp to make fabric;
  - (c) is used in papermaking and has been found in the grave of Emperor Wu from 87 BC;
  - (d) in the sixth century, was used as an additive in the earthen plasters of Ellora Caves in India;
  - (e) was used by the Tibetans, who wrote their monastic histories on hemp paper,
  - (f) was used as grain in ancient times and was counted as one of the key five grains, together with rice, barley, millet, and soybeans;
  - (g) by the 1600s, was a necessary crop for producing cloth, food, oil, paper, as well as canvas and rope for ship riggings;
  - (h) the word "canvas" means "made of hemp" and was derived from Latin *cannabis* and Greek *kannabis*; and
  - (i) was valued by Henry VIII, who made the cultivation of hemp compulsory by law for all farmers that owned a certain amount of land, as he wanted the strong, rot-resistant fibres from the plant to be used for the ropes, sails, and clothing of the British navy.
- (3) That this House further notes that:
  - (a) in the mid 1930s, with the invention of nylon and the spread of plastics, there was a trend away from hemp; and
  - (b) despite industrial hemp having none of the psychoactive qualities of cannabis, it was conflated with cannabis and included in the bans on cultivation of any plant in the Cannabis family.
- (4) That this House notes that in the twenty-first century where there are serious environmental concerns, such as climate change, the cultivation of industrial hemp to produce environmentally sustainable alternatives is re-emerging.
- (5) That this House further notes that:
  - (a) hemp can be grown on nutrient poor soils, with small amounts of water and without pesticides and fertilisers;
  - (b) hemp can be used in the environmental regeneration of land and carbon sequestration;
  - (c) the Hemp Industry Act 2008 introduced a licensing scheme to allow farmers in New South Wales to grow low tetrahydrocannabinol [THC] hemp crops for fibre, seed and oil production;
  - (d) advances in modern technology have expanded the use of hemp in the production of nanosheets, biodegradable and non-toxic plastics known as bioplastics and construction concrete known as hempcrete;

- (e) the Australia New Zealand Food Standards Code was amended in November 2017 to permit the sale of hemp seed and hemp seed oil as human food products:
    - (i) hemp seeds are nutritious as they have 25 to 30 per cent protein; and
    - (ii) the oils in the hemp seed are used for cooking and cosmetics.
  - (f) AgriFutures Australia has developed the *Australian Industrial Hemp Strategic RD&E Plan (2022-2027)* for growing the hemp industry.
- (6) That this House affirms its support for New South Wales industrial hemp.

What do Emperor Wu of China, King Henry VIII of England, United States President George Washington and Stalin have in common? Not only was this bunch of homicidal, megalomaniac, slave-owning tyrants rulers of countries and continents, they were all, like me, vociferous proponents of the enormous economic benefits of widespread hemp cultivation and utilisation. Cannabis is endemic to northern China, and, aside from Emperor Wu, the Chinese have utilised this most useful of plants for food, fibre and fodder since time immemorial. King Henry VIII made it compulsory on pain of death to grow hemp if one owned more than 60 acres of land. He decreed that taxes could be paid with hemp. I hope the Treasurer is listening to that and that we see that enacted sooner rather than later.

The Greens will be interested in this. Under Stalin the Council of the People's Commissars, or the Central Committee of the Communist Party of the Soviet Union, granted special privileges and extra gruel for homesteads that grew hemp. George Washington famously remarked of hemp, "Make the most you can of the Indian hemp seed and sow it everywhere." Speaking of authoritarian, megalomaniac figures, God herself said of hemp via Ezekiel 34:29, "And I will provide for them renowned plantations so that they shall no more be consumed with hunger in the land and no longer suffer the reproach of heathens." So, there is God, getting right behind hemp plantations. Cannabis sativa is one of the oldest crops, cultivated for thousands of years over large geographic and cultural areas. Hemp has been used for spinning, weaving, papermaking, seeds, human and animal food and for medicinal and health purposes.

Hemp has a long history in Australia. In 1797, at the height of the French Revolutionary Wars, Sir Joseph Banks was appointed to the Privy Council and took responsibility for hemp policy in the British Empire through his role on the committee of trade. When the British Government considered the *Heads of a Plan* for Botany Bay in 1786—essentially, the colonisation of the continent—one of the 15 paragraphs in the document was concerned with the importance of the hemp plant for naval supplies and the suitability of Australia for hemp cultivation. Industrial hemp was grown throughout the colonies from 1788, but especially in the Northern Rivers and Hunter regions of New South Wales, up to the 1930s.

In the mid-1930s, with the invention of nylon and the widespread use of plastics, there was a trend away from hemp towards those materials and also cotton. Hemp in New South Wales ended with the listing of cannabis as a prohibited substance in 1935 and the classification of cannabis as a noxious plant in 1938. Despite having none of the psychoactive qualities associated with cannabis, hemp was conflated with cannabis and included in the ban on cultivation of any plant in the cannabis family. One of the most ancient crops, long valued for its multiple uses, became largely ignored for more than 50 years. Compared with other crop plants, industrial hemp has not fully benefited from modern scientific technologies.

In the twenty-first century, with environmental issues of water use and climate change appearing, the cultivation of industrial hemp to produce environmentally sustainable alternatives to many existing products began again. It is a true renaissance. Hemp can be grown in nutrient-poor soils with very small amounts of water and no fertilisers. Hemp has also been used in the environmental regeneration of land, phytoremediation and, importantly, carbon sequestration. It has been used in the manufacture of biodegradable and non-toxic plastics, such as ground cover matting in horticulture and in other intensive crop production.

The Hemp Industry Act 2008 introduced a licensing scheme to allow farmers in New South Wales to grow low-THC hemp crops for fibre, seed and oil production. The Australian New Zealand Food Standards Code was amended in November 2017 to permit the sale of hemp seed and hemp seed oil as human food products. As can be seen, hemp has a long history both globally and in Australia. It is having a renaissance in this country and in this State. I hope that the Government gets behind the hemp industry because it is a way for us to reinvigorate agriculture, reduce our impact on the environment and provide jobs, especially in the regions of New South Wales.

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (17:33):** I thank the Hon. Jeremy Buckingham for moving the motion, which I indicate the Government's support for. I thank the member for bringing the history of hemp to the attention of the Parliament. It was certainly educational for me. Globally, hemp is estimated to be used in more than 25,000 products, including in agriculture, building materials and textiles. The seed can be used in food products, while cultivation of the plant has shown potential use as a sustainable building material with a low

carbon footprint. I am proud to say that New South Wales is a leader in the industrial hemp industry in Australia, and the Government is committed to working with the industry to realise the opportunities for New South Wales industrial hemp products, both domestically and in the global marketplace.

Whilst the area of production fluctuates, New South Wales has been home to more than 1,200 hectares of land dedicated to hemp cultivation. In October last year, I attended the New South Wales hemp industry round table, which the Hon. Jeremy Buckingham hosted, with industry representatives in attendance. The round table identified a number of barriers to and opportunities for the development and growth of the industrial hemp industry in New South Wales.

The Government is actively looking at opportunities to progress legislative amendments that reduce red tape, that improve licensing and compliance issues, and that grow the New South Wales hemp industry by increasing the range of products and markets available to it. We are also pursuing collaborative opportunities that support the growth of hemp industries in New South Wales, including identifying the best cultivars and production methods for New South Wales growing conditions. With the global hemp market expected to quadruple by 2027 to \$18.6 billion, it is crucial that the State facilitates the expansion of the industry and continues to be a leading player in Australia. I look forward to updating the House as we continue to support the growth of this important industry.

**Ms SUE HIGGINSON (17:35):** On behalf of The Greens, I reaffirm our unwavering support for the domestic hemp industry in New South Wales. The Greens have been the political champions of hemp and the hemp industry for decades and have highlighted the absurd criminalisation of hemp. We have called out the bad faith corporate vandals who profit from polluting synthetics and plastics and who have buried hemp. We have championed hemp for sustainability, innovation, environmental and human health, and for our economies. We are excited by our vision where versatile and sustainable products are created in this State from hemp. To realise this vision, the Government must create further investment opportunities for growers, producers and manufacturers.

I know about the deficit because I am a hemp grower. I have grown trial crops of hemp and I will do so again. There is a real absence of support for hemp processing plants and infrastructure dedicated to the primary processing of hemp for all hemp products. This gap acts as a significant barrier to the development of a manufacturing chain for the numerous products that hemp can create. We need to remove the barriers, including the restrictive licensing regime for hemp cultivation. And it is restrictive; I have applied several times. We strongly advocate for a re-evaluation of these limitations to unlock the full potential of domestic hemp.

We can empower farmers and entrepreneurs to contribute to the growth and sustainability of this promising sector. There are significant environmental reasons that the Government needs to lead. Hemp requires less than half the water per hectare that cotton demands. Cotton is a chemical-intensive crop in terms of pesticides and fungicides, whereas hemp does not require those inputs. The Government should prioritise the promotion of a crop that not only conserves water but also thrives across much of the east coast. The Government currently provides enormous incentives for research into all sorts of crops. There should be investment, support and subsidies to support the cultivation and processing of hemp for food and fibre production. This includes research and development initiatives aimed at developing cultivars tailored to the different soil types that will be appropriate for existing machinery on farms.

We also need investment in cool storage for seed storage, and the appointment of specific Department of Primary Industries agronomists. These measures will not only facilitate the growth of the industry but also help provide the necessary infrastructure and support for farmers like me and others to embrace this sustainable and economically viable crop. There is no doubt that the time has come for us to champion the hemp industry in New South Wales. We can pave the way for a flourishing industry that aligns with environmental regeneration and regional economic opportunities. Let us seize this opportunity to cultivate a greener, more sustainable future for our State together. I acknowledge that it was The Greens Ian Cohen who was the first ever MP to walk into this Parliament clad in a green hemp suit.

**The Hon. Dr SARAH KAINE (17:38):** I support the motion. My interest in industrial hemp is as it relates to sustainable fashion. The Hon. Emma Hurst and the Hon. Jeremy Buckingham know that I am a co-convenor of the Parliamentary Friends of Sustainable Fashion. As such, I am interested in the types of benefits from using hemp as opposed to other more environmentally degrading fabrics in the production of clothing. I use a website and an app called Good On You as a reference for sustainable fashion brands, which lists across a number of criteria the benefits of different fabrics as well as different brands. The website states:

Hemp is the sober cousin of marijuana, and industrial hemp contains only a tiny amount of the psychoactive component of cannabis, so the only high you'll get from hemp fabric is the moral high-ground you'll stand on knowing you're wearing a more sustainable fabric.

As I said, my interest is in promoting discussion of how we turn what is a very environmentally damaging industry, particularly fast fashion, into a much more sustainable and still enjoyable industry. I endorse the motion. I have a confession to make to the Hon. Jeremy Buckingham: Last year in the last sitting week of Parliament I held a sustainable fashion round table. It was remiss of me that I did not have representatives from the industrial hemp sector there. For following round tables, I undertake to liaise with him to invite the appropriate people. I commend the motion to the House.

**The Hon. JEREMY BUCKINGHAM (17:40):** In reply: I thank all members for their supportive contributions to the debate on the motion. I am surprised that The Nationals members did not see fit to make a contribution about agriculture and the new industries benefiting farmers, but they have other things to do; they are busy at restaurants in Woolloomooloo.

**Ms Sue Higginson:** Hilarious!

**The Hon. JEREMY BUCKINGHAM:** It is hilarious. Hemp is having a renaissance. I acknowledge the contribution of the Minister and her commitment by coming to the round table, meeting with producers from the sector and committing to cut red tape, especially in the Hemp Industry Act, which was championed, as Ms Sue Higginson said, by Ian Cohen in his day in 2008. I also commend the Hon. Dr Sarah Kaine for her contribution on sustainable fashion. An issue that former Greens member Jan Barham often raised in this House was the need for sustainable fashion. I am a big fan of hemp fashion myself, and hemp and bamboo socks and underpants. It is very heartening to see the House getting behind this renaissance. I note some leaders in this area, including Mr Bob Doyle, Mr Jaimie Milling and Mr Barry Lambert, who for a long time have grown and supported this industry. There is a lot of work happening on the ground.

Before I finish, I make honourable members aware that AgriFutures Australia has developed the *Australian Industrial Hemp Strategic RD&E Plan (2022-2027)*, which sets out a lot of what members laid out in debate. The plan has five major objectives covering seeds and varieties, growing the crop, products produced from the crop, the sustainability of hemp and the regulatory environment. So there is work happening on the ground. The farming community is looking for opportunities to decarbonise as we move towards net zero. AgriFutures is getting behind that and working with farmers to find those varieties. I look forward to visiting the trial plot next Tuesday at Narrabri, where AgriFutures has been trialling a variety of different hemp plants to see which grows best in that productive agricultural region. Hemp is having a renaissance. I was pleased to listen to the contributions of all members, and I commend the motion to the House.

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

**Motion agreed to.**

### *Bills*

## **DETENTION LEGISLATION AMENDMENT (PROHIBITION ON SPIT HOODS) BILL 2023**

### **First Reading**

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

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

**Statement of public interest tabled.**

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

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

**Motion agreed to.**

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

That the second reading of the bill stand as an order of the day for the next sitting day.

**Motion agreed to.**

### *Motions*

## **BACK TO SCHOOL VOUCHERS**

**The Hon. SARAH MITCHELL (17:45):** I move:

(1) That this House notes that:

- (a) the estimated annual cost of school supplies for students is now more than \$650 per student per year;
  - (b) the Liberal- Nationals Government introduced the Back to School voucher to help families purchase school supplies and provide cost-of-living support; and
  - (c) more than 3.4 million Back to School vouchers were redeemed in New South Wales last year before the program was cut by the Minns Labor Government.
- (2) That this House supports the continuation of the Back to School vouchers.
  - (3) That this House calls on the Labor Government to reinstate the program immediately to ease cost-of-living pressures for families.

I move the motion after school returned last week and this week for some. I know lots of kindergarten students went back to school this week. Returning to school means that lot of parents faced the back-to-school costs that come around every year and seem to get more expensive as the years pass. As a mum of two myself, I know that even buying the couple of pairs of school shoes that my girls needed this year—and we did not need uniforms, thankfully—adds up. When cost-of-living pressures are being felt by everybody, anything we can do to support families with back-to-school costs is important. That is why I have moved the motion for debate today, given that the previous Government introduced the Back to School voucher last year. There have been previous iterations of this voucher over the years. The Labor Party had a back to school voucher at one point but axed it last time it was in government. There are probably lessons to be learnt there.

The important point is that every child was eligible for up to \$150 worth of vouchers to help with those back-to-school costs. The vouchers were extremely popular with parents, and they were able to be redeemed to 30 June last year. We asked the Minister for Customer Service and Digital Government and his department for some data on how many vouchers were downloaded. Unlike some of his other colleagues, he actually provided the figures; that was a good start. That gave us the information which made it clear that more than 3.4 million vouchers were downloaded. That is an incredibly popular program, no matter which way you look at it.

We are also aware that the communities to take up the biggest amount of support for the voucher are in Western Sydney, which shows that our Minister and our Premier are completely out of touch with the needs of the families in some of their own communities. We know from the data that the top postcodes to support the voucher were Liverpool, Riverstone, Parramatta, Campbelltown, Camden and Mount Druitt. It was also popular in regional communities and on the Central Coast. This voucher program was well utilised. Parents across the State were using it. But it was allocated no funding from the Labor Government in its budget last year.

The Premier himself was confused. He was asked about the voucher on 17 January in a press conference. I have seen the footage. He said that the Back to School vouchers had not been changed, but they had. They have not been continued, which concerns me. Clearly there was no discussion at senior levels in government about continuing the vouchers. Clearly there was no Expenditure Review Committee process or bid from the Minister for Education and Early Learning to continue the vouchers. The Premier either did not know or he was being dishonest. I will give him the benefit of the doubt that maybe he did not know that they had not been funded. But that, to me, in and of itself, is a problem. The Premier should know if a voucher that helps families with the cost of living is not continuing. It is concerning that that was not the case.

I also make the point that it is not just members of the Opposition who are calling on this voucher scheme to return—there has also been a lot of public commentary on the matter. The NSW Council of Social Service called for the Back to School program to be reinstated because it wanted the voucher for low-income earners. Labor has done that with Active Kids. It has continued that program, albeit in a far lesser form and for far fewer people to access it, but it has continued in some small way. While not at the same level of support that came from the Liberal-Nationals Coalition, there was obviously some decision or discussion around Active Kids. That has clearly not happened in any way, shape or form for Back to School vouchers. I think that that is a huge issue, particularly when we know how tough it is for families at the moment.

I also mention the work done by Jordan Lane, the great member for Ryde. Mark Speakman and I visited his community to meet with some families, who talked about having these vouchers taken away from them. I thank Nadina, Shannon, Richard and their children, who came and met with us. Hearing from families, particularly about the impact that this lack of vouchers has had on them, is the proof we need that this voucher program was working and that it was effective. Those families will now have to make decisions about how they manage their budgets and go without things because that support just is not there. It all adds up—Back to School vouchers; Active Kids has been severely reduced, and many people now ineligible for it; Creative Kids is gone; First Lap has been slashed. We also did Before and After School Care vouchers. That is gone.

Parents are worse off when it comes to cost-of-living support under this Government. It can try to dress it up any way it wants. It has cut a large number of supports for families when it comes to relieving household pressures. The Premier might get up and say that that is what he is focusing on this year, and that he will listen to

advice from the Opposition. Premier, here is a really simple one: Reinstate Back to School vouchers. They work, and families need them.

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (17:50):** I move:

That the question be amended as follows:

- (1) Insert after paragraph (c) the following new paragraphs:
  - (d) the former Liberal-Nationals Government told the people of New South Wales that the program would end in June 2023;
  - (e) the one-off Back to School voucher was not funded by the former Liberal-Nationals Government beyond the 2022-2023 budget; and
  - (f) the New South Wales Labor Government inherited a \$188 billion of debt—the biggest in the State's history.
- (2) Omit paragraphs (2) and (3) and insert instead the following new paragraphs:
  - (2) That this House notes the importance for the Government to ensure all children have access to free, quality, accessible education.
  - (3) That this House acknowledges that the State Government currently funds public schools at 75 per cent of the student resourcing standard and calls on the Commonwealth Government to lift its share of public school funding to 25 per cent of the student resourcing standard.
  - (4) That this House calls on the Government to continue to provide cost of living relief to households and families doing it tough.

On behalf of the Government, I move this amendment in order to correct the record about what was said in the contribution from the Deputy Leader of the Opposition and also in the motion. Let us be clear: Back to School vouchers were always a one-off initiative. That was made clear by the current shadow Treasurer in his previous role as the finance Minister. No money was set aside in the previous Government's budget beyond one year.

On 21 June 2022, the now Leader of the Opposition and then finance Minister said this is "a one-off \$150 back-to-school subsidy for every child undertaking primary or secondary school in 2023". Then Treasurer Matt Kean said that the program would "run from 1 January 2023 to 30 June 2023". This was a one-off initiative—incidentally, immediately before the election. But we will put that to one side. I note that in that media release was also the name of the mover of this motion in her capacity as the education Minister. This announcement was all about the election. The former—

**The Hon. Sarah Mitchell:** So nothing you have done in the next year continues? Is that your rationale?

**The DEPUTY PRESIDENT (The Hon. Emma Hurst):** Order! The Minister has the call.

**The Hon. COURTNEY HOUSSOS:** It is clear that this Government is absolutely focused on cost of living. We have been speaking about it in this place, and that is what we, on this side of the House, are absolutely focused on. All this week we have been speaking about the different programs that are in place. But let us be clear about who cut the Back to School vouchers: It was the previous Government's election stunt.

**Ms ABIGAIL BOYD (17:54):** On behalf of The Greens, I contribute to debate on this motion and indicate that we support it as amended by the Government's amendment. I am sympathetic to the intent of the Opposition's motion. Soaring interest rates, predatory price gouging, exploding fuel prices, crippling rent increases and stagnant wages have all contributed to a social atmosphere of economic precarity—a true cost-of-living crisis. It is in this context that parents and carers face the daunting task of preparing students with school supplies—a cost that has grown year on year to now total, on average, more than \$630 per student per year. It is a cost that is becoming difficult to bear for many households. However, while accurately identifying the issue, The Greens are not convinced that the Opposition's proposal is the right solution.

The now Opposition's proposal was the Back to School voucher. There was nothing that the new Opposition loved more when it was in government than a discrete voucher program, and I think that speaks profoundly to its ideological orientation towards public moneys and its role when it was in government. I must admit that there is something of a political genius to the proliferation of vouchers under the former Government. It managed to spin its own failure to provide an affordable economic environment into this powerful public relations exercise of the Liberal-Nationals Government magnanimously bequeathing gifts upon their subjects; little were the serfs to know that it was, of course, their money all along.

That is the problem. These vouchers perpetuated a neoliberal individualistic worldview that saw the Government failing to take responsibility for its primary responsibilities, which are to provide high-quality, fully funded and universally accessible public services. It is for that reason that we are not insisting upon the resumption of this voucher scheme by the new Labor Government. As I have remarked upon before in this Chamber, we can

only infer from the election results that the people of New South Wales were interested in change, and they were tired of the old way of doing things. Labor is within its rights to cease that program—or, as we have heard more accurately, to not reinstate it. However, I admit some concern that currently it seems that we are being left with something of a vacuum. I would feel a lot more comfortable if we had some assurance that the money saved by not participating in this voucher scheme was going directly towards providing a more systemic financial relief to households. But that would be evidence of a broader agenda from this Government, which, unfortunately, is a bit missing in action.

**The Hon. WES FANG (17:56):** I support the motion as originally moved by my good friend and colleague the Hon. Sarah Mitchell, the shadow Minister for Education and Early Learning in this place. I note that other speakers have indicated in their contributions that, yes, there has been a lot of conversation today about the cost-of-living relief that the Minns Labor Government says that it provides. I mean, we have spoken about the toll cap in this place today. But I think the difference in the philosophies of what we are talking about here versus what they—and I say "they" as in the Government—have put forward by way of cost-of-living relief for people is that, ultimately, toll relief helps those in metropolitan areas. Back to School vouchers helped everybody. There is no question that when children return to school at the start of the year, it incurs a number of costs that stretches family budgets. That is why so many people have been calling for the reinstatement of these vouchers, because, ultimately, it is about making sure that kids have the necessary shoes, uniforms, books and bags that they need to be able to get an education. That was our focus. That is why we had those vouchers in place.

I appreciate the other contributions and the semantics that have been moved around in this debate about neoliberalism and the like. However, ultimately, that program delivered shoes, uniforms, bags and books for kids. No matter who they were or what part of the State they lived in, that is what the money was spent on. At a time of a cost-of-living crisis, if anything is going to be scrimped on in a budget, it will be across the board, and it potentially will be those things that are so important for those children. I support the original motion moved by the Hon. Sarah Mitchell. The amendment moved by the Minister is nothing more than a game. Whilst those opposite want to play semantics in this place and try to shift the blame and reject the fact that, ultimately, they did not fund Back to School vouchers this year, the kids of rural and regional New South Wales are missing out. The Labor Party should apologise to them.

**The Hon. CAMERON MURPHY (17:59):** I urge the House to support the amendment of the Minister, which will set the record straight about vouchers. This situation is a bit like *deja vu*. There have been two instances in the House today and many more over the past few months of now Opposition members talking about programs—vouchers for various kinds of sporting activities, education, whatever—that they did not fund past 1 July last year. They were programs like this one, which was clearly intended, as the Minister articulated, to be a one-off given to parents around the same time as the election. Now those opposite argue that the measures should be kept in place and become permanent, and they bemoan the fact that they are not. The best thing we can do for the education system is lift the wages cap, pay teachers well, increase the number of teachers and stop the drift into other States and Territories. That was the chronic problem with education in this State and that is the thing that our Government is fixing, which will do the most to address the issues that face school students. Without teachers, kids in schools are not going to learn. We are addressing that problem as a priority.

If Opposition members think that this program is so vital and important, why do they not commit to bringing it back if they win the next election? They are obviously not that committed to it, because on 29 January this year the Leader of the Opposition was asked by Ben Fordham on his program, "So you're not even promising to return them?" And Mark Speakman said, "Well, I'm not going to promise three years out." So Opposition members are in the Chamber today moving this motion and arguing that this program should be brought back when their leader is not prepared to commit to it. It is completely disingenuous. That is why the amendment to this motion ought to be supported by the House. Frankly, if the Opposition wants to do something positive, it should move on from failed policies that lost it the last election.

**The Hon. JACQUI MUNRO (18:03):** Yet again the Government does not want to take responsibility for being in government. The Whitlam Government is credited with the provision of free university education—except that it was not free. Students paid. They paid compulsory student union fees. They paid for textbooks, paper, pens and other supplies. What the Whitlam Government provided was fee-free university education, which is exactly what we provide in New South Wales public schools. Education is still associated with significant costs and, in some cases, they can present a major barrier to children's participation.

My friends often pay for contributions to their kids' schools, either in money or providing classroom supplies, and they need to also fund uniforms, shoes, books, devices, pens and excursions—some of them for three kids. We only need to look at the back-to-school sales in every shop before the beginning of each term to see how much money is spent by parents to provide an education for their children. The Future Fund has estimated that the total average cost of a child's education in a fee-free school through the full 13 years is around \$89,000.

One way to help address the issue of access and the costs of education was the Coalition's Back to School vouchers. That was one way in which the Coalition Government maintained the principle of providing for the education of our children beyond just fee-free public schools.

Parents valued the support provided by the vouchers, which could only be spent on school-related expenses. But the Minns Government has cut those vouchers at a time of major cost-of-living pressures and when families need relief the most. It argues that they were unfunded and, as such, could not possibly continue. But let us unpack that. The vouchers were not unfunded, defunded or cut by us. We funded the vouchers, and we delivered them to the parents and families who needed them. It is the current Government that has failed to provide funding for Back to School vouchers in its budget.

The last Perrottet-Kean budget does not bind the Minns Government's future budget decisions. If it did, then the people of New South Wales would have \$150 million more in palliative care funding. But that money is gone. It has been unfunded by this Government. Budgets are about choices and in its first budget this Labor Government chose to cut Back to School vouchers and chose not to support struggling families with cost-of-living pressures, and those pressures continue to be exacerbated by the Government's poor economic management. The Government may be putting on the clothes of a good economic manager, but it should stop playing play school dress-ups and admit that it is failing the families of the State.

**The Hon. MARK LATHAM (18:06):** Mention of poor economic management brings me to my feet, because the Hon. Jacqui Munro was not here during the last term of Parliament when the former Government went on one of the most reckless spending sprees in the history of any government. We have compared it to Jim Cairns. The former Government made him look like he was frugal and that he was cost cutting and saving at every opportunity. It was the most profligate government in the history of the Commonwealth. The Perrottet-Kean budgets were a disgrace and the previous speaker needs to understand that there were 270 discretionary policy changes in the last two budgets. Those were voluntary changes. They are listed in the budget papers. Three out of those 270 were cost savings. We just cannot go on like that. If we are truly concerned about cost-of-living pressures—as any responsible economist will say—we should bring down inflation.

Thankfully, inflation is coming down now. Because of the end of COVID, supply chain constraints are starting to loosen up and economies are getting closer to normal. But the worst thing a government can do is blow out the budget, go on a massive spending spree, rack up \$188 billion of debt—as the former Government did—and then turn around and say to people, "Oh, we have got a little handout here for you. We've got a little election bribe that we'll give you to help with your school uniforms. We're on your side when it comes to cost of living." If those things are funded and they add to deficit and debt, they are not on their side when it comes to cost of living. I support the amendment. I cannot support this motion because of the appalling economic record of the former Government. When you are worse than Jim Cairns then, I am sorry, you have a big problem.

**The Hon. ANTHONY D'ADAM (18:08):** I have never been a supporter of these kinds of vouchers. This is a subsidy to all the little Johnnies attending Newington and Kings. It might be little Jennies at Newington soon; I know that is upsetting some of the ruling class. The former Government's initiative was really a massive subsidy to those who did not need it, not targeted funding for those who do. I would much rather fund a learning and support teacher in front of a classroom than provide subsidies to all sorts of undeserving people who do not need the money and who do not spend it wisely. Quite frankly, government is about making appropriate choices. Labor is committed to equity and fairness and having a system where we subsidise those—

**The Hon. Sarah Mitchell:** Everyone got it.

**The Hon. ANTHONY D'ADAM:** Yes, that is right: Everyone got it, whether or not they were paying \$45,000 a year to send their kids to Newington. That is a problem. Precious taxpayer funds should be targeted to achieve the best possible outcome. That is what this Government has done. We have made a sensible decision to reallocate resources where they are most needed.

**The Hon. SARAH MITCHELL (18:09):** In reply: I say at the outset that the Opposition will not support the amendment that was moved by the Government. Regarding process, I had already made my contribution to debate before there was any discussion about moving an amendment to my motion. That is not normally the way the House operates. Once again we have seen contempt for the normal process. It would have been nice to have been given a heads-up prior to beginning my contribution that the Government was going to move an amendment to the motion.

The Opposition will not support the amendment for a couple of reasons, including that the amendment is partly factually incorrect. Paragraph (3) of the Government's amendment asserts that the State Government currently funds public schools at 75 per cent of the Schooling Resource Standard [SRS]. That is wrong. The Government is not at 75 per cent in New South Wales; it aims to get there by 2025. I cannot support an amendment

that is factually incorrect. The amendment states that the former Government's initiative was not funded beyond the budget. When the Coalition left government in March, the program was funded until 30 June. Parents were made aware that those vouchers were eligible to be redeemed and used by 30 June. We did that with other voucher programs, including Active Kids, Creative Kids, Back to School and Before and After School Care. There was a time period during which people could redeem and use those vouchers.

Members opposite, and the finance Minister in particular, argued that because funding was not provided for the program in the budget the Coalition was not going to fund it again. The whole purpose of an annual budget is so that a government can look at spending decisions that will be made and programs that are to be introduced to see if they need to be tweaked or improved. More than three million vouchers were downloaded under this particular program. It was incredibly popular. As the Hon. Jacqui Munro said, the whole point of being in government is so that, as part of the budget cycle, members make choices about what programs are working and what cost-of-living support needs to be provided when families are feeling those pressures.

Let us apply to Labor the rationale that any program that was not funded beyond the budget cycle would not be continuing. Labor's way of working in government is to say, "If a program is not in the budget for four years, there is no intention of ever continuing with it." That is not how government works. Labor should know better. It does know better. Government members are trying to hide behind weasel words to justify the fact that they are not helping families with cost-of-living support. Regarding the amendment to the Schooling Resource Standard, the Government should move a motion so that we can debate school resourcing and funding. I would be very happy to do that. I will pull out the article in which the now Premier and education Minister said before the election that if the Federal Government did not commit to 100 per cent of the SRS funding, then they would cover it.

I will get the photo of those Ministers standing with the Federal Minister and the union boss saying, "We will find the pathway to 100 per cent." Now they have changed their tune. They are saying, "No, the Commonwealth has to stump up 25 per cent." That would be a great debate. Let us have it. But Government members should not try to amend this motion about the Back to School voucher program to ease the cost of living because they have changed their tune on school funding. Government members know they do not have the money to honour that pre-election commitment. We should debate that matter properly. Government members should not hijack my motion.

**The PRESIDENT:** The Hon. Sarah Mitchell has moved a motion, to which the Hon. Courtney Houssos has moved an amendment. The question is that the amendment be agreed to.

**The House divided.**

Ayes .....22  
Noes ..... 12  
Majority..... 10

**AYES**

Banasiak  
Borsak  
Boyd  
Buckingham  
Cohn  
D'Adam  
Donnelly  
Faehrmann

Graham  
Higginson  
Houssos  
Hurst  
Jackson  
Kaine  
Latham

Lawrence  
Mookhey  
Moriarty  
Murphy (teller)  
Nanva (teller)  
Primrose  
Roberts

**NOES**

Fang (teller)  
Farlow  
Farraway  
MacDonald

Maclaren-Jones  
Martin  
Merton  
Mihailuk

Mitchell  
Munro  
Rath (teller)  
Tudehope

**PAIRS**

Buttigieg  
Sharpe  
Suvaal

Carter  
Taylor  
Ward

**Amendment agreed to.**

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

**Motion as amended agreed to.**

*Bills*

**CONSTITUTION AMENDMENT (EXECUTIVE COUNCIL) BILL 2023**

**Returned**

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

*Committees*

**PORTFOLIO COMMITTEE NO. 6 - TRANSPORT AND THE ARTS**

**Reference**

**Ms CATE FAEHRMANN (18:22):** I seek leave to amend private members' business item No. 769 for today of which I have given notice by omitting all words after "That" and inserting instead:

- (1) Portfolio Committee No. 6 - Transport and the Arts inquire into and report on the impact of the Rozelle interchange, and in particular:
  - (a) the planning, design and development of the Rozelle interchange project and its impact on traffic flow, including the prioritisation of traffic from toll roads including WestConnex over local traffic;
  - (b) all traffic modelling that was undertaken, including for WestConnex, all surrounding arterial roads and all local roads;
  - (c) design decisions that restricted or compromised traffic flows, including any changes from the original plans or modelling;
  - (d) the planning, design and development of the Rozelle interchange project and its impact on the efficient and on-time running of buses, ferries and all other public transport;
  - (e) the communication and consultation processes undertaken by Transport for NSW and other relevant stakeholders throughout the lifespan of the Rozelle interchange project;
  - (f) the social, environmental and economic impacts of the Rozelle interchange project on impacted communities;
  - (g) the impact on foot traffic and active transport options, including due to the closure of Rozelle Parklands;
  - (h) the cause of asbestos detected in the Rozelle Parklands and the adequacy and appropriateness of the responses by government agencies and contractors to reports of asbestos in and near the parklands;
  - (i) solutions to ease the congestion and gridlock that the opening of the Rozelle interchange has created, including the impact of the Western Harbour Tunnel after opening;
  - (j) the adequacy of Transport for NSW planning, resource allocation and public communication in the period leading to and directly after the opening of the Rozelle interchange;
  - (k) the cost of the Rozelle interchange and the total cost of WestConnex; and
  - (l) any other related matter.
- (2) That the committee report by 20 June 2024.

**Leave not granted.**

**Ms CATE FAEHRMANN:** I move:

- (1) That Portfolio Committee No. 6 - Transport and the Arts inquire into and report on the impact of the Rozelle interchange, and in particular:
  - (a) the impact of the Rozelle interchange on traffic flow, including the prioritisation of traffic from toll roads including WestConnex over local traffic;
  - (b) the impact on the efficient and on-time running of buses, ferries and all other public transport;
  - (c) the social, environmental and economic impacts of the Rozelle Interchange project on impacted communities;
  - (d) the impact on foot traffic and active transport options, including due to the closure of Rozelle Parklands;
  - (e) the cause of asbestos detected in the Rozelle Parklands and the adequacy and appropriateness of the responses by government agencies and contractors to reports of asbestos in and near the Parklands;
  - (f) all solutions to ease the congestion and gridlock that the opening of the Rozelle interchange has created, including the impact of the Western Harbour Tunnel after opening;

- (g) the adequacy of Transport for NSW planning, resource allocation and public communication in the period leading to and directly after the opening of the Rozelle interchange; and
  - (h) any other related matter.
- (2) That the committee report by 20 June 2024.

Given leave was not granted to amend the terms of reference, I will speak to what is before the House on the *Notice Paper*. This motion will establish the Portfolio Committee No. 6 – Transport and the Arts inquiry into the absolutely disastrous Rozelle interchange. As members have seen over the past couple of months, the opening of this interchange has been a complete disaster for commuters coming from many parts of Sydney, particularly inner west residents and those travelling over the Iron Cove and Gladesville bridges.

Ideally this should be a short, sharp inquiry—the reporting date is before the end of the financial year, which is important—because the community needs answers. Anyone talking about the impact of the interchange on them uses words like "disaster", "design flaw" and "fundamentally flawed". Of course, this inquiry needs to look at the impact on the local communities of Balmain and Rozelle, and the solutions. I note that neither the Government nor Transport for NSW has been able to put forward any substantial solutions that commuters can have faith will reduce the time it takes for people to get to work. It is absolutely unacceptable to hear that the impact of the opening of this interchange is something like an hour from bridge to bridge, and that local roads in Balmain, Rozelle and Lilyfield are so congested that buses are taking half an hour or longer to get to the main road.

As members know, upper House inquiries are able to call witnesses and experts, call for papers and documents and get to the bottom of a complete debacle such as this. Who made the decisions in the first place? Who in their right mind would think that reducing 10 lanes of traffic down to four and funnelling them all into the CBD would magically work and be this fantastic transport solution? How anybody could approve that design, I do not know. My hope is that the motion before the House is amended so that the inquiry is able to look into the design behind the Rozelle interchange and the traffic modelling that was undertaken, as my amendment sought to do. Without doing that, we are just going to offer up some solutions and not actually look at the fundamental issues of the design flaws. I hope an inquiry like this can lead to substantial solutions, not the tweaks we have seen and the roads Minister has talked about. Tweaks just put the problem elsewhere. I hope members support this motion.

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (18:28):** The Government welcomes this inquiry. We are working closely on the Rozelle interchange to ensure it works the best it can, but the Government welcomes additional scrutiny and a chance to talk to the public about this project. I flag that it may not be the only such inquiry, as I have also had indications from the Public Accounts Committee that it may take an interest in this project. Secondly, I indicate that the Government will cooperate with any of these inquiries and will make sure that the information sought by members is made available.

I briefly update the House on the status of the Rozelle Interchange to put my observations on record. Firstly, I have been working closely with the Transport team, particularly at the Transport Management Centre. I commend them for the work they are doing. I was there as recently as yesterday morning to watch the morning peak traffic. Physical changes were made to the original design 11 days after the opening of the Rozelle Interchange, in particular in relation to the City West Link, that seem to have improved things significantly on both the City West Link and Victoria Road, but there are clearly still issues. I have been clear in public that there have been issues in recent days relating to the light phasing as drivers head towards Drummoyne and then out to Gladesville. I have tried to be up-front about the modelling that has been put in front of me by Transport for NSW, which is why in the middle of last year I warned that there may be up to six months of local traffic disruptions.

The Government will continue to work with the Transport Management Centre and the Transport team to make improvements. We are seeing those improvements. The traffic this February morning and journey times have reduced, even with people back to school and back to work. It was encouraging to see those journey times drop again. A change as little as two seconds in the phasing of lights at particular intersections is having a significant impact on the downstream traffic. The Government is working through those programs. I have been up-front that there have been difficulties, and I have apologised for the impact they have had on people. It is important that this House looks at some of the issues around the modelling, the planning, the design and the development of the interchange. The claim that traffic on Victoria Road might be 50 per cent lower after the project opened has not happened, but that was not the modelling that was presented to me. It would be legitimate for the Parliament to ask these questions, as we work carefully to make this project work as best it can.

**The Hon. DAMIEN TUDEHOPE (18:31):** I say at the outset that the Opposition supported the motion as drafted, which was negotiated with the shadow Minister, who is not in the Chamber today. However,

approximately one hour ago we were advised that an amendment to the motion would be proposed, a copy of which was texted to the shadow Minister. Today I went out publicly and said that the Opposition would support the motion because the manner in which it was drafted stated that the proposed inquiry would explore possible solutions to the problems that exist. I drive this road every day, so I know the problem of the phasing of the lights that have been put in place. I know exactly the spots where the phasing has occurred because I get a little warning on my Waze that says to me, "Traffic stationary ahead," so I am completely aware of the problem.

The motion as drafted proposed an inquiry to explore options to find solutions to this issue. It was agreed by Ms Cate Faehrmann and the shadow Minister that it was fundamental that the inquiry would not turn into a witch-hunt and blame game and that the focus would be solutions. However, what has happened today—and I anticipate a further amendment to the motion—is a Labor-inspired agreement with The Greens to try to engage in a witch-hunt. If the motion is amended in the way that has been foreshadowed, in circumstances without the foreknowledge of the shadow Minister, in many respects that indicates that the manner of the negotiation is duplicitous. I do not say that lightly. The Opposition reached an agreement on the motion and went out publicly and backed it, but then an hour before the debate we were faced with a different motion altogether. This has put the Opposition in a position where rather than engaging in a positive outcome to this inquiry, the proposed further amendment to the motion—which I anticipate will occur and which has not been agreed upon—will give rise to us being asked to engage in and support an inquiry that will be a witch-hunt. *[Time expired.]*

**The DEPUTY PRESIDENT (The Hon. Emma Hurst):** I shall now leave the chair. The House will resume at 8.00 p.m.

**Ms SUE HIGGINSON (20:01):** I move:

That the motion be amended by omitting all words after "That" and inserting instead:

- (1) Portfolio Committee No. 6 - Transport and the Arts inquire into and report on the impact of the Rozelle interchange, and in particular:
  - (a) the planning, design and development of the Rozelle interchange project and its impact on traffic flow, including the prioritisation of traffic from toll roads including WestConnex over local traffic;
  - (b) all traffic modelling that was undertaken, including for WestConnex, all surrounding arterial roads and all local roads;
  - (c) design decisions that restricted or compromised traffic flows, including any changes from the original plans or modelling;
  - (d) the planning, design and development of the Rozelle interchange project and its impact on the efficient and on-time running of buses, ferries and all other public transport;
  - (e) the communication and consultation processes undertaken by Transport for NSW and other relevant stakeholders throughout the lifespan of the Rozelle interchange project;
  - (f) the social, environmental and economic impacts of the Rozelle interchange project on impacted communities;
  - (g) the impact on foot traffic and active transport options, including due to the closure of the Rozelle Parklands;
  - (h) the cause of asbestos detected in the Rozelle Parklands and the adequacy and appropriateness of the responses by government agencies and contractors to reports of asbestos in and near the parklands;
  - (i) solutions to ease the congestion and gridlock that the opening of the Rozelle interchange has created, including the impact of the Western Harbour Tunnel after opening;
  - (j) the adequacy of Transport for NSW planning, resource allocation and public communication in the period leading to and directly after the opening of the Rozelle interchange;
  - (k) the cost of the Rozelle interchange and the total cost of WestConnex; and
  - (l) any other related matter.
- (2) That the committee report by 20 June 2024.

This amendment will generate great public interest for the terms of the inquiry.

**The Hon. WES FANG (20:04):** I make a brief contribution to debate on the amendment. The amendment to the inquiry is a retrograde step and ultimately does a disservice to the constituents of the member for Balmain. The amendment seeks to change the focus of the inquiry from one that is designed to find solutions to issues to one that apports blame for decisions. The Minister is most likely going to try to weasel out of his responsibility on the matter. Ultimately, the only people who will suffer from the amendment are the people of Balmain. I hope that the mover of the motion will be honest with those people about the issue, and I hope that the people of Balmain realise what has happened here: A deal has been made between the Government and The Greens to try to somehow absolve itself of the issues caused by the Rozelle interchange, which I use daily when I am in Sydney.

It is disappointing that the member for Balmain is a party colleague of the member who moved the amendment. Ultimately, those constituents are the ones who will suffer. The focus of the original motion was about getting to a solution but now, because of a deal made between Labor and The Greens, we will see an attempt at a witch-hunt, as the Leader of the Opposition rightly said, and that means that the people of Balmain will suffer. I hope they are honest about that when the time comes.

**The Hon. DAMIEN TUDEHOPE (20:06):** In regard to the amendment, when the Rozelle interchange was opened, the Minister said:

On behalf of the many millions of motorists who will use this impressive piece of Australian engineering, I want to thank the 20,000 workers who built the Rozelle Interchange ...

He went on to say:

The Rozelle Interchange is a game-changer for motorists in Sydney's west and south-west, providing access to the CBD and inner-west without the traffic lights.

Federal Minister Tim Ayres said:

Not only will the Rozelle Interchange bust traffic for millions of residents in our city, it represents the final culmination of the long-awaited WestConnex project.

Federal transport Minister Catherine King said:

The opening of the Rozelle Interchange is fantastic for the residents of Sydney, who will enjoy faster access to the CBD, and reduced traffic around notorious bottlenecks.

Those comments were made after all those Ministers had received briefings about the opening of the Rozelle interchange. But the most culpable in all of this is the Minister at the table. Minister Graham went on to say:

We are warning motorists that there is expected to be some impacts on surface roads around the interchange post-opening which Transport for NSW will monitor and seek to alleviate over the coming weeks and months.

This inquiry, which the Minister is now a co-sponsor of and has worked with The Greens on to ensure that it deflects attention from him, is in fact about making sure that someone else bears the blame. He knew these problems would exist. He knew that at the time the interchange opened, and he did nothing. The problem rests with the Minister. That is the problem that we are facing today. The Minister is trying to deflect and make sure that the people of Balmain look for someone to blame other than the person really responsible, who knew in advance, who had been briefed about the possible problems and who had not demanded the solutions on behalf of those people.

The inquiry should have been about looking for solutions. The inquiry should have been looking at what the Minister knew before this interchange opened. The Minister stood and sought the praise and glory of the opening of this project, the great engineering feat that it was, in circumstances where he knew exactly the problems that would exist when that interchange opened and did nothing to ensure that those problems did not exist or to alleviate those problems. That should be the focus of this inquiry. The focus should have been on what the Minister knew and what the solution should be. The Opposition rejects this manner of the inquiry, which seeks to deflect attention from the Minister. [*Time expired.*]

**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) (20:09):** The Leader of the Opposition has characterised some of my comments. I stand by those comments. I again thank the 20,000 workers for the work that they have put into this project. It is clear that this project has provided benefits to the west and south-west of the city. I have spoken with commuters, who say that they are saving time as they come through. But the local traffic impacts that I warned about in the middle of last year have come to pass, and I said then that it might be six months.

That was the opposite of what people were told by the former Government. They were promised a traffic nirvana of a 50 per cent cut in traffic on Victoria Road. I have been up-front. I have never seen modelling that suggested that. That was not what I was told when I came in as a Minister, and I have been up-front with the public about it. I do not think it is unfair for the Parliament to ask why that was the case. But I give this commitment: The Government will cooperate with this inquiry. I will be happy to answer any of those questions at the inquiry and talk people through this. That is exactly what I should do as a Minister responsible for trying to make this work.

I also give this commitment: I have tried to be solutions-focused on this. I have not been spending a lot of time making the obvious point that this project was planned well before we were elected to government. When I opened the road, I did make the observation that we were inheriting this project over a long time, as I have done so in the House. I have not sought to make that point as I have talked to the public about the issues with this road.

We will continue to be solutions-focused. The Government is happy to cooperate with this inquiry, and I would expect the Opposition should be too.

I do not see why the Opposition should now come to this place and try to cover up some aspect of this project. Both sides of politics, the former Government and this Government, should cooperate with this inquiry. If the House has questions, why not work through those issues? I will come to this inquiry focused on the solutions, updating people about the briefings that I am given in the traffic management centre, as they manage this hour by hour, literally changing light phasing second by second, to try to make this work. The Opposition should come onboard and back this inquiry and a potential inquiry by the Public Accounts Committee in the other place as well. It should back both inquiries. Let there be some scrutiny of this project. That is the approach that the Government seeks to take today. The inquiry will not be about laying blame. It will be about making it clear in public and building public confidence in how these decisions are made and how these assets are working.

**Ms CATE FAEHRMANN (20:13):** In reply: I address the extraordinary attitude of the Opposition to what has just been an amendment to expand the scope of the inquiry. The contribution by the Hon. Wes Fang suggested that the people of Balmain will suffer as a result of some kind of deal between the Government and The Greens. What the people of Balmain will see as a result of this motion passing the Parliament is an inquiry that holds the Minister and his actions to account—and we will call the Minister; I think the roads Minister has indicated that he will cooperate with the inquiry.

**The Hon. John Graham:** Hear, hear!

**Ms CATE FAEHRMANN:** They can bet their bottom dollar that Opposition members, as well as Greens members, will ask extremely tough questions of this Minister and of the department about the decisions that they have made. I am looking forward to that very much. The people of Balmain can rest assured that, in fact, what this inquiry is looking at is not just the solutions. Of course, we are looking at solutions. They are all still there, by the way—every single thing. I agreed with the Coalition. They are all still there.

*[Opposition members interjected.]*

There it is. This outcry from the Opposition is because we had dared expand the inquiry in an effort to get cross-party, multi-party support and to include critical elements as to how this is has all gone so wrong—traffic modelling, design. How were decisions made? I do not know.

**The Hon. Damien Tudehope:** We will see you in two years time.

**Ms CATE FAEHRMANN:** Again, the outcry is interesting. What is the Opposition so concerned about? The expanded terms of reference is an opportunity to get the answers about why the decision was made to design the Rozelle interchange like this, with all of those traffic lanes and everything that has stuffed up so badly. Yes, the decisions made by the former Government for almost 12 months as well will also be under the microscope. With that, I hope that we get the support of this Chamber tonight. This is an opportunity to shine a big light on the current actions of this Government, as well as the decisions and actions taken by the former Government. I commend the motion to the House.

**The PRESIDENT:** Ms Cate Faehrmann has moved a motion, to which Ms Sue Higginson has moved an amendment. The question is that the amendment be agreed to.

**The House divided.**

Ayes .....20  
Noes .....13  
Majority.....7

#### AYES

Boyd  
Buckingham  
Buttigieg  
Cohn  
Donnelly  
Faehrmann  
Graham

Higginson  
Houssos  
Hurst  
Jackson  
Kaine  
Lawrence  
Mookhey

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

#### NOES

Carter  
Fang (teller)

Maclaren-Jones  
Martin

Munro  
Rath (teller)

## NOES

Farlow  
Farraway  
MacDonald

Merton  
Mitchell

Ruddick  
Tudehope

## PAIRS

D'Adam  
Suvaal

Taylor  
Ward

**Amendment agreed to.**

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

**Motion as amended agreed to.**

*Bills*

**CENTENNIAL PARK AND MOORE PARK TRUST AMENDMENT (PUBLIC TRANSPORT) BILL  
2023**

**Returned**

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

*Motions***HOMES NSW**

**The Hon. Dr SARAH KAINE (20:24):** I move:

- (1) That this House acknowledges the creation of Homes NSW, a new centralised agency.
- (2) That this House recognises that the creation of Homes NSW is an important step in providing more housing and tackling homelessness.

It is well known that our State is experiencing an unprecedented housing crisis. That crisis has been made worse by the fact that the people of this State were not able to rely on the previous Government to provide them the stable and secure housing they so desperately require. After 12 years of Liberal-Nationals neglect, the social housing system is broken and in desperate need of repair. The Liberals' ideological war on public housing has left the system in ruins. Mass privatisation, outsourcing and budget cuts have left residents desperate and homes crumbling, with more than 57,000 people in New South Wales on the social housing waitlist. We only need to look at the Riverwood housing estate in the Oatley electorate to recognise that there is a need for housing and housing maintenance, and that the previous Government dropped the ball on it or maybe never really cared and simply paid lip service to it. For example, member for Oatley, Mark Coure, said in 2016:

The redevelopment shows the NSW Government's commitment to deliver more social housing, increase overall housing supply and create jobs.

But he had clearly changed his mind by February 2023, when he told the Sutherland shire paper:

It is fantastic news that the Riverwood Housing Plan has been killed-off by the Land and Housing Corporation.

In contrast, last Friday the Minns Labor Government launched Homes NSW, a new division that brings together housing and homelessness services from the New South Wales Department of Communities and Justice, NSW Land and Housing Corporation, and the Aboriginal Housing Office, in addition to key worker housing functions from across government. Homes NSW brings maintenance, tenant services and homelessness support all under one roof, making it easier for the people of New South Wales to get the help that they need. It is a welcome change after the Liberals and The Nationals split and divided important services for tenants across multiple departments and agencies, which meant buck-passing, bureaucracy and poor communication was rife, and simple issues, such as a leaking tap, were unnecessarily complicated for tenants to solve.

Last year at an event in Riverwood I met an older woman who lives with her sister in social housing. She called my office after the event to seek assistance with a maintenance issue at her property. There was an attempted break-in and her screen door was damaged. She reported the damage and the screen door was removed. However, she had to wait weeks for a replacement screen door. During those weeks she and her sister reported feeling unsafe in their home. The reason for the delay was that the company carrying out the repair was waiting for approval from Land and Housing for the door to be ordered. The New South Wales Government is establishing a new

one-stop maintenance hub within Homes NSW, which will streamline requests for maintenance all under the one roof. We are moving to a new, simpler back-to-basics model that will focus on quality, accountability and better outcomes for tenants.

The Minister for Housing is cleaning up the mess. The current system is not working and it is leaving people like the sisters I spoke to in Riverwood stressed about the uncertainty. The maintenance arrangement—before this Government began the process of fixing it—was a result of the policy of the former Liberal Government. It has left a maintenance system that is confusing and unworkable. Tenants will now be able to see the status of their requests via a maintenance app, removing uncertainty. We have listened closely to tenant voices, who tell us the system is too complex, confusing and broken. Homes NSW is the first step in righting the wrongs of the past and putting residents at the heart of everything we do. I commend the motion to the House.

**The Hon. NATASHA MACLAREN-JONES (20:28):** The Opposition does not oppose the motion. I note the importance of government agencies and non-government organisations working together to deliver a system that supports our most vulnerable. However, I am concerned about the lack of detail as to how the New South Wales Labor Government intends to address housing and homelessness through the new agency, particularly in the absence of additional funding. Homelessness is not just a housing problem. The causes of homelessness are complex and play out in different ways. We know the Housing First approach is key to tackling homelessness, but so is providing wraparound support services and assistance to ensure long-term housing. Furthermore, we must support people to maintain tenancies and avoid entering the homelessness system, which the New South Wales Liberals and Nationals delivered as part of its strategy. The Labor Government must adequately fund services and emergency accommodation as part of a comprehensive strategy to combat homelessness, which it failed to do in the last budget.

The Liberal-Nationals Government invested in homelessness services and in social housing programs, products and new initiatives like the Social and Affordable Housing Fund, the Community Housing Innovation Fund and the Together Home Program. A strong housing market is an important source of wealth creation in the local economy, and we all know that housing takes time and money. While in government, the Coalition's focus was on offering more opportunities for people to enter the housing market and to make it easier to partner with government to increase supply. We delivered more social and affordable homes and provided assistance to individuals and families in need to help them maintain their tenancy. Our investment represented the largest share nationwide, comprising approximately 32 per cent of the total national investment, which stood at \$29 billion.

By investing in social housing and empowering community housing providers, the Coalition Government increased social housing stock by 9 per cent over the past decade, which is more than double the national figure of 4 per cent. As a result of that investment, New South Wales provided more than 158,000 social homes, which is more than Victoria and Queensland combined. The Coalition also more than doubled investment in specialist homelessness services [SHS]. Unlike the Labor Government, we committed to halving street homelessness by 2025 and made that a Premier's Priority. This Government has refused to commit to any target or means to measure homelessness in New South Wales.

In the last budget, NSW Labor committed only \$5.9 million to top up funding for SHS, despite the Minister for Homelessness acknowledging in budget estimates that almost all SHS are operating above capacity and despite the 2023 New South Wales street count showing a 34 per cent increase in people sleeping rough compared to 2022. We know there is a housing and homelessness crisis, which was reported last week, and we have seen tent cities popping up. The people of New South Wales do not have time to wait. They need clear, decisive and evidence-based action now, not a Premier or a Minister who will not commit to a target, let alone deliver homes. This Government must invest more funds in services and identify new innovative models that will deliver more 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) (20:31):** I support the motion, which I thank the Hon. Dr Sarah Kaine for moving. It is fantastic to have a slice of the House's time to talk about social and affordable housing because it is a core service of government. Infrastructure Ministers, transport Ministers and roads Ministers are normally written up. They are the Ministers that people associate with government infrastructure. But the Government's public housing estate is one of our State's largest assets. It does not always receive the acknowledgement it deserves. We are talking about 90,000 homes across New South Wales. Over 100,000 people rely on the New South Wales Government as their landlord. They are often very vulnerable people. They are people for whom the private housing market has failed. They rely on the safety net that the Government provides to give them a pathway to a better life.

Housing is an integral part of that safety net. People cannot get an education or a job or look after their health or their kids if they are homeless and do not have stable housing. The service we provide is critically important to ensuring that our State is stable, productive and safe. Therefore, as housing Minister it is very

important for me to profile, platform and talk up the work we are doing on public housing. I am really proud that Homes NSW is off the ground. I am very proud that Rebecca Pinkstone is our inaugural CEO. She is an excellent leader with two decades of experience in the housing market.

While I am proud of delivering on that election commitment and proud to talk up the role of public housing in our State's social and economic fabric, I do not want to fall victim to the boosterism that can occasionally befall Ministers. We may pretend that the creation of an agency like Homes NSW means that our job is done. I want members of this House to know that I do not see it that way. I know that this new agency has to deliver on the promise we have made. Yes, it has massive potential. It was universally called for and welcomed by the sector and designed by directly listening to the voices of tenants who live in social housing, as well as our community housing partners, the private development industry and our partners right across government. All of that gives me confidence that we can do the work. But to be clear, a lot of work must be done.

The Hon. Dr Sarah Kaine talked about maintenance. We know that is critical. We need to talk about new supply. It is not just about sitting on the housing stock that we have; it is about planning for the future. I reassure the Hon. Natasha Maclaren-Jones that we are committed to a new housing and homelessness plan and strategy to deliver exactly the measures she talked about. We must do that work. I hope that in a year we are talking about the achievements of Homes NSW and not just its creation.

**The Hon. SCOTT FARLOW (20:34):** As shadow Minister for Housing I contribute to debate on the motion, which follows on from the establishment of the new agency Homes NSW last Friday. The Coalition wishes the new agency well and looks forward to engaging with its newly appointed CEO, Rebecca Pinkstone, whom I met today. I thank the Minister for her briefing on Homes NSW. Unfortunately I had to leave early to return to the Chamber to discuss other matters. The Opposition acknowledges Rebecca's over 20 years of widespread experience in the housing sector. Setting up a new government agency is all well and good, but now comes the hard work. I am very glad to hear the Minister acknowledge that in the Chamber.

The Government's funding model for social housing is falling apart and will not enable Homes NSW to do the work of building homes and addressing the stagnant waiting list. Labor's flimsy funding model relies on the Commonwealth for handouts. Between the Coalition's 2022-23 budget and Labor's 2023-24 budget, the total capital works budget for the Land and Housing Corporation—which has been incorporated into Homes NSW—was slashed by \$330 million, which is a drop of 33 per cent. Even if I include funding from the Commonwealth to the State's 2023-24 budget, there was still a \$282 million fall in funding for social housing in New South Wales. It is no wonder the Government is not setting housing targets on the number of new social housing dwellings to be delivered. The money simply is not there.

Statistical progress in social housing in the first 10 months of the Labor Government has been limited. The median waiting time for general applicant households from the NSW Housing Register increased by 32 per cent in 2023, with the waiting time for priority applicants increased by 28 per cent. Hopefully Homes NSW will address that issue. In the second half of 2023, waiting lists have increased throughout the Sydney metropolitan area. In Campbelltown it increased by 6.4 per cent, in Penrith it increased by 6.5 per cent and in Camden it increased by 11 per cent. Despite the 2.66 per cent statewide increase in social housing waiting list applicants, there has only been a 1 per cent increase in newly housed households in the second half of 2023 compared with the first half.

It seems that the Government is making a habit of taking credit for Coalition achievements as if those achievements were its own. Yesterday the Premier and Minister Jackson lauded on social media "New Year, new homes. We've completed a new mixed-tenure housing development in Western Sydney." Despite the accompanying zoomed-in photos, we found out that the housing development was in North Parramatta. After some sleuthing on Google Maps, we found extensive construction at the site. The frames of the homes had been built in March 2023 when the Coalition was in government. The Premier was forced to take credit for Coalition achievements in housing because he has none of his own, and without a viable funding model, the sad truth is that he never will.

While in government, Labor has already pulled the ripcord on the Argyll Estate redevelopment at Coffs Harbour, further stalling the building of social housing on the North Coast. Labor lacks a plan to redevelop the site and has not indicated when more social housing will be delivered in that community. I am sure our member in the other place Mr Gurmesh Singh will continue to prosecute that case and fight for more social housing and housing in general in the Coffs Harbour electorate.

**The Hon. STEPHEN LAWRENCE (20:37):** I commend the mover of the motion, the Hon. Dr Sarah Kaine, and I commend Minister Rose Jackson for her work in spearheading the creation of Homes NSW. I note the pivotal contribution this centralised agency will play in providing more housing and tackling homelessness. That is particularly important for regional New South Wales, as Homes NSW has a vision and mandate to deliver

on the needs of regional New South Wales. A number of important regional initiatives will be delivered in a coordinated manner under one roof, rather than in a piecemeal, duplicated fashion across multiple departments.

I highlight three key initiatives, including the \$33.8 million regional housing development program, investment in modular housing in the regions and also the dedicated support that will be provided to the key worker housing unit. Firstly, the \$30 million Regional Housing Fund will no longer remain under the planning department. Rather, Homes NSW will support 21 high-growth regional councils to address increasing housing pressures and drive the delivery of new infrastructure upgrades and open space projects alongside the delivery of new housing supply in regional areas. That is slated to mean 120,000 homes for regional New South Wales in the next 10 years, which means more homes to rent or own in regional communities, more opportunities for local councils to tackle the housing shortage and certainty for housing developers investing in regional New South Wales.

Secondly, the Minns Government recently announced its \$10 million commitment, as part of a \$224 million Essential Housing Package, to look at how to use innovative new ways to build more social housing and help strengthen the safety net for those experiencing housing insecurity. Investment in modular housing is especially suitable to regional areas, as planning regulations are already in place and the offsite construction of modular housing can reduce costs and increase speed of construction.

Finally, and very importantly, bringing the delivery of key worker housing under Homes NSW instead of the Department of Regional NSW recognises the need for a focus on essential worker housing in the regions and will accelerate project delivery. We have heard repeatedly in the regions and in this place about the severity and acuteness of the skills and labour shortages. Essential workers need a place to live in order to carry out their livelihoods, put their essential skills to good use and build stronger communities. This unit will complement the vital work being done by the Teacher Housing Authority and Police Force Housing. I commend the motion to the House.

**The Hon. CAMERON MURPHY (20:40):** I contribute to debate on the motion of the Hon. Dr Sarah Kaine and thank her for moving it. It is incredibly important that we mark the good work of the Minister in forming Homes NSW as an agency. Tonight I was moved to speak on this issue after I heard what the shadow Minister had to say; really, the record ought to be corrected. One of the reasons that this is such an enormous and difficult problem that we have to tackle in government is that those opposite did virtually nothing about it for the entire time they were in government, other than sell off public housing. Wherever you went, public housing was up for sale. It was falling down. There was no system to maintain it. People who wanted maintenance done had to go through a variety of different agencies. If they wanted assistance with their tenancies, they had to go somewhere else. It was just buck-passing from one government department to another. Creating Homes NSW will mean that one agency is responsible for these issues from start to finish. While it's a first step, I think it is a vital and important first step in fixing the problem.

The step the Minister took immediately when sworn into office was to recognise there is a massive problem with homelessness in this State, one that those opposite simply refused to acknowledge for more than a decade. According to them, there was no problem. Nothing needed to be done at all. All members know that is simply not the case. This is a wonderful motion that recognises this important first step in tackling what is likely to be a very difficult problem to solve. However, members on this side of the Chamber are doing something about it. We are setting up the right systems with agencies that are going to be able to take the steps necessary to tackle this difficult problem. As the Minister herself recognised only moments ago, it is going to need more work. There will be an enormous amount of work required to solve the homelessness problem and build new homes in this State, but we are willing to take on the challenge and do something—unlike those opposite, who did nothing for the time they were in government.

**The Hon. Dr SARAH KAINE (20:43):** In reply: I thank all honourable members who contributed to the debate: the Hon. Natasha Maclaren-Jones, the Hon. Rose Jackson, the Hon. Scott Farlow, the Hon. Stephen Lawrence and the Hon. Cameron Murphy. I respond to the request by the Hon. Natasha Maclaren-Jones that the Government look at new, innovative models. I advise the House that I am convinced that is one thing this Minister is doing. I have seen this Minister engage with stakeholders who have brought varied ideas to her about how the issue might be tackled. She has engaged them with a willingness to listen and consider any sensible ideas for how we solve this problem. In hearing the honourable member's invocation for us to consider new, innovative models, I can assure her that is something that the Minister is doing. From day one she has matched that with action to start changing what happens in the social housing sector.

I also reflect on what the Minister said about the government public housing estate being a core service of government. We do often forget that it is not always about opening a freeway or being on a new train. Those are obvious things that the Government should—and does—provide, but we are an important contributor to that basic social safety net for a large number of people; I think some 100,000 people rely on the Government as a landlord.

Members should not forget that. The importance of government as a provider of this essential public service is recognised by this Government's housing-first approach. I congratulate the Minister, not wanting to fall into, in her words, "boosterism" on this but to reinforce that it is the approach of this whole Government to prioritise the issue of homelessness and housing affordability in this State. I also recognise that the Minister often notes that we have a lot of challenges in this, but that we are very committed to that task. The creation of this new body is one of the steps that we are implementing in order to tackle this enormous and important problem.

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

**Motion agreed to.**

### CIVICS EDUCATION

**The Hon. SUSAN CARTER (20:47):** I move:

- (1) That this House notes the importance of an adequate education in civics, our democratic institutions and the rule of law so that all of our citizens may participate equally and express their views competently as part of our democratic process.
- (2) That this House further notes that the maintenance of strong democratic institutions rests on an informed and active citizenry.
- (3) That this House notes with concern the figures from the most recent National Assessment Program in Civics and Citizenship which indicate that only 38 per cent of Australian year 10 students had a pass level of proficiency in civics.
- (4) That this House calls on the Minister for Education and Early Learning in her annual statement of expectations to make the following a priority:
  - (a) requiring all students to be explicitly taught about our democratic institutions and beliefs, including parliamentary democracy and the rule of law;
  - (b) requiring all teacher graduates to complete a dedicated unit in civics education; and
  - (c) giving consideration to introducing civics as a discrete and compulsory subject.

I was fortunate to be in Prague not long after the Czechs had left the Soviet Union and established a new democracy under President Václav Havel. It was an extraordinary time. Everywhere you went, cab drivers, patrons of the city's cafes and citizens of this new democracy would stop and talk to you with passion about the values of the new society they were creating. They were so excited to live in a democracy and a society governed by the rule of law, rather than their previous autocracy in which decisions were made solely on the basis of who had the most power. They had lived experience of what the strong are able to do to the weak when we live without restraint, without the rule of law.

This enthusiasm caused me to reflect on my own experiences and my own society here in Australia. I have had the privilege of living in a society based on democratic principles and upheld by strong institutions all my life, yet until then I had never thought about how much I should value this or what this means for me and my life. I had taken for granted the Westminster parliamentary system, democracy, the separation of powers, responsible government, freedom of speech, the rule of law, the right to peaceful assembly, and the peaceful transfer of power at elections—all of this—until I saw their value through the passionate eyes of these newly minted Czech democrats.

We are a laid-back society. I am not arguing that we should all be discussing the intricacies of systems of government between overs at the cricket, but we must also not ignore these issues entirely. If we take these important legal institutions for granted, we run the risk of forgetting to acknowledge and protect them, and the very institutions that protect us will be eroded and wither. As I travel around country New South Wales, I am always amazed by the size of the courthouses. The courthouse in Deniliquin is a case in point. They are magnificent, imposing stone buildings that speak of power and strength. I often think we built these court buildings because our public architecture provides important symbols for our society. Eighteenth and nineteenth century court builders recognised that justice is fragile, and we need these imposing buildings to reinforce and buttress the importance and strength of a continuing system of justice.

But we need more than public buildings to educate us. What happens in our schools is even more important. We know that the protection of the future of our society begins with education, but at the moment we can see that we are not succeeding well in this respect. It is with great concern that I note that the most recent National Assessment Program – Civics and Citizenship indicates that only 38 per cent of Australian year 10 students had a pass level of proficiency in civics. Year 10 students are 15 and 16 years old—two or three years away from being able to vote and have a say in the governance of our society through the very institutions that 62 per cent of them clearly do not understand.

This is not intended as a criticism of year 10 students, and it is certainly not to suggest that people need to pass a test to be able to participate in our civic society, but it is a recognition that if our citizens do not understand the legal institutions that protect them, they will find it hard to defend them. It is a call for change to ensure that

all of our teachers and students have the opportunity to understand and value the institutions that shape our society and ensure our freedoms. It also is a recognition that the importance of abstract concepts, such as the rule of law and the separation of powers, are often only seen when they are gone. Of course, as we have seen in too many dictatorships, once a constitution is suspended, it rarely, if ever, returns, and does not return with the same guarantee of rights. This is a call to recognise the strengths of our society and ensure that we are all equipped to protect our freedoms and our system of governance. Of course, we cannot protect what we do not know, which is why I call on the House to take concrete action today. I call on the Minister for Education and Early Learning to make the teaching of civics a priority in the New South Wales curriculum and in the education of our teachers.

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (20:52):** I move:

That the question be amended by omitting paragraph (4) and inserting instead:

(4) That this House notes that:

- (a) providing more time for the implementation of the new curriculum has allowed for more thorough consultation to be undertaken with civics and citizenship groups on the content of the new syllabuses;
- (b) the Government's commitment to explicit teaching across all subject areas, as outlined in its plan for public education, includes civics and citizenship;
- (c) syllabus content automatically becomes mandatory initial teacher education training; and
- (d) the Government is committed to engaging with the community to strengthen the role of public schools as safe, inclusive institutions that teach democratic principles for people of all faiths and cultures.

We all acknowledge that this is a very important issue. The figure that the Hon. Susan Carter outlined in her speech of 38 per cent of year 10 students not being able to have a discussion about civics is concerning. Equally, I am also concerned about the figures that show that one in three year 9 boys cannot write to the national minimum standard. It is clear that the education system is facing a range of issues. The Government has reprioritised the time frame for implementing the new curriculum to give more time for teachers to familiarise themselves with syllabuses and to make sure that it is implemented in a way that provides for the best student learning outcomes. The former Government's time frame was rushed and unworkable and it ignored calls to slow it down by teachers, principals and the schools sector.

This Government is absolutely focused on improving education outcomes for students across New South Wales. I know that is the number one focus for the Deputy Premier in the excellent work she is doing in the portfolio. The single biggest factor in influencing those outcomes is having a qualified teacher in the classroom to teach the content, which certainly extends to civics and citizenship as well. This amendment proposes to omit paragraph (4) because the Government and the NSW Education Standards Authority is largely already doing what the motions calls for.

As part of its plan for public education, the Government is absolutely committed to explicit teaching, which includes civics. We are proposing to strengthen civics and citizenship as part of new syllabuses. No matter how, when members come into contact with young people who are interested and engaged in civics, we always feel a little bit surprised. I am sure a number of us were interested in it when we were younger, but we must accept that perhaps that is not the case for everyone. The biggest tool that we have in our hands to rectify this is through the education system. This is certainly an important issue and I commend the member for bringing it to the attention of the House.

**The Hon. ROD ROBERTS (20:55):** I speak briefly in support of the motion and thank the Hon. Susan Carter for bringing this important issue to the House. Unlike her, I was not in Prague at that particular point in time. However, I am fortunate enough to live here in Australia, and I am even more fortunate to be a member of the New South Wales Parliament. Every day I am here I see democracy in operation. At various times I look around this Chamber and see members representing the Labor Party, the Liberal Party, the National Party, The Greens, the Legalise Cannabis Party, the Animal Justice Party, the Libertarian Party and One Nation. I also see two Independents. We do not always agree on particular politics and policies, but we have the opportunity to speak and put forward our views and the opinions of those who have elected us. That is democracy at work, and we are extremely fortunate to live in a country that has democracy.

We do not need to cast our eye far from our shores to see political tensions and societal breakdowns experienced by nations that do not enjoy the democratic systems of government, the rule of law, an independent judiciary and the freedoms that we have benefited from for generations. Our democratic institutions should not be taken for granted. They did not spring out of thin air. They were crafted over centuries and fought for with our own people's blood. So I was troubled to read the same recent National Assessment Program – Civics and Citizenship report that the Hon. Susan Carter read that found only 38 per cent of year 10 students have a proficient standard of civic knowledge.

These students are tomorrow's teachers, community leaders, perhaps members of this Parliament, or even just general members of society, but through no fault of their own they are perhaps ill-prepared to understand the importance of civics and civic participation. We must guard against this closely. An uninformed citizenry will lead to poor political and social outcomes for our State and, of course, our nation. Our democratic institutions should be celebrated, defended and secured for future generations. Young Australians deserve better. This motion offers a path forward, and I support it and commend it to the House.

**Ms ABIGAIL BOYD (20:58):** On behalf of The Greens I speak to this motion and thank the mover for bringing what is a very important issue before the House. Civics education is vitally important for young people, as is the democratic and political participation of young people. Of course, young people are particularly affected by the long-term consequences of today's political decisions. They have a valuable contribution to make to our democracy and a clear desire to create positive change and have a say in the decisions that affect them. I have been lucky enough to attend countless School Strike 4 Climate rallies over the years, where I am constantly blown away by the sophistication of the ideas and the clarity of the political perspective on display amongst speakers and demonstrators alike. Young people have a strong desire to be involved in the political process and a strong basis in civics education is an invaluable tool for empowerment.

In 2022 I introduced the Electoral Amendment (Voting Age) Bill 2022 to the House, which intended to lower the voting age to allow 16- and 17-year-olds to vote. Expanding the voting age is just one important avenue to allow young people to participate in our democracy. As I said in my second reading speech on the bill, democracy absolutely does not start and end at the ballot box, but without a vote you do not have a voice. One of the arguments against lowering the voting age is that young people are apparently not mature or capable enough to make informed decisions like adults. Not only is that completely incorrect, according to psychological research, but children and young people are not the only people in our society who could do with some civics education.

Just as it has always been Greens policy to lower the voting age, it has always been Greens policy to ensure that young people have access to civics education to help them to participate in our democracy. Young people deserve the opportunity to effectively participate in society as active and informed citizens. Schools should be empowered to equitably provide the opportunity for young people to develop necessary civic skills, contribute to discussions of real-life issues and learn about the important facets of our democracy. Their education system should provide a foundation for a democratic society and for all people to be empowered to be involved in shaping societal key decisions.

I understand there have been some amendments put forward by the Government to the motion, which largely reflect a statement of what is the current status of civics already in the curriculum. That is why those changes have been made. I note that paragraph (d) seems a bit out of place and not really related at all to civics education. I have had a discussion with the Minister's office about that and I think it is fine to leave it in; it is just a very odd thing when it is not talking about civics, it is talking about making schools safe in line with the views of faith leaders. I do not know why it is in there, but I will not object to it.

**The Hon. RACHEL MERTON (21:01):** I support the motion of my colleague the Hon. Susan Carter. We stand at a critical juncture in the education of our youth in New South Wales, facing a glaring omission that threatens the very fabric of our democracy: the absence of civics education from the New South Wales curriculum. As we navigate through the complexities of the twenty-first century, the importance of instilling a robust understanding of civic responsibilities, rights and workings of our government in our students cannot be overstated. Recent trends indicate a disturbing shift away from this essential pillar of education. With Australia witnessing record migration levels and the subsequent shifts, the role of civics education in promoting informed citizenship and the importance of democracy has never been more critical.

Despite this, there is a concerning lack of emphasis on civics in our schools, a decision that is short-sighted. How can we expect our future leaders to navigate the challenges of governance, advocate for their rights, participate in policy reform and review, and contribute to policy ideas without a foundational understanding of civics? The data speaks for itself. There is a palpable decline in student understanding and engagement with our political and judicial system—a trend that is not just alarming but concerning.

As I noted in my maiden speech, the Lowy Institute poll in 2023 found 30 per cent of our youngest voters question whether our form of government—democracy—really is better than all the rest. Even at university a few decades ago, when many of us here were opposing each other in the brave world of student politics, the belief in democracy was pretty much universal. As my colleagues have stated, it is concerning that half of all senior students today do not have a proficient knowledge of civics. Thirty-eight per cent of year 10 students and 53 per cent of year 6 students are reported to have achieved a proficient standard in the National Assessment Program concerning civics.

Ignorance breeds apathy. Apathy breeds disengagement. Disengagement breeds a democracy in distress. Is this the legacy we wish to leave for our future generations? In a State that prides itself on vibrant democratic traditions and active citizenship, it is not disappointing; it is a call to action. We must act now to ensure that civics education is not just preserved but is elevated within our educational framework. The future of our democracy, the integrity of our public discourse and the cohesion of our liberal democratic society depends on it. I commend the motion to the House.

**The Hon. CHRIS RATH (21:04):** I speak in favour of this excellent motion. I think we have all been in those situations in the past where we say to our friends and family that we are members of the Legislative Council, and they look at us blankly and do not really know what that means. I think that a little more civics education would probably be a very good thing, especially in Australia because we have compulsory voting. I think it is very dangerous in some other countries where they have a voluntary voting system and large proportions of the population have essentially determined to opt out of civic participation.

In a country like Australia where we do have compulsory voting, I think that civics education would be a very good thing. And I am a strong supporter of compulsory voting. I think it is very good for democracy. I think civics education could also help explain to people more clearly the different responsibilities between State, Federal and local government, as confusing as it can be on occasions. I will move an amendment to the amendment. I move:

That the amendment of the Hon. Courtney Houssos be amended by inserting after paragraph (b):

(c) this will best be achieved if civics and citizenship is a ministerial priority;

It is a very good motion. We have a lot to celebrate in Australia in terms of our civics and our democracy—things like the separation of powers, the different responsibilities between jurisdictions and the rule of law. I think there are important and invaluable things you can pass on to students to make our democracy even more vibrant. A well-informed population is a good thing for democracy. I commend the motion and my amendment to the House.

**The Hon. SUSAN CARTER (21:07):** In reply: I thank all members who has participated in the debate, especially Minister Houssos, the Hon. Rod Roberts, Ms Abigail Boyd, the Hon. Rachel Merton and the Hon. Chris Rath. I think we have all had the same experience as we move around the community. I acknowledge the comments of Ms Abigail Boyd: This is not purely a year 10 problem. There are many groups in the community who, to participate well in our civic life, could be much better informed about the way our Federation works, the way our system of government works and, in fact, what they should be doing with the big ballot paper and the little ballot paper as they go into the election booth.

It is easier to provide that education in schools, and I think the motion is a recognition that we have to start somewhere. Certainly, if we are seeing our young people who are approaching the age of 18 very uncertain about the fundamental nature of our democratic institutions, that seems a logical place to start. I acknowledge that there is some discussion of civics and citizenship in the current curriculum, but it appears to be in history, and that appears to be something that not all students will necessarily have access to. Civics is core to who we are as a country and to the strength of our society, so it should be core to the curriculum. Everybody should have access to an education which helps them participate better in our society and understand, frankly, what a truly tremendous place we have the privilege to live in. I commend the motion to the House.

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** The Hon. Susan Carter has moved a motion, to which the Hon. Courtney Houssos has moved an amendment, to which the Hon. Chris Rath has moved a further amendment. The question is that the amendment of the Hon. Chris Rath to the amendment of the Hon. Courtney Houssos be agreed to.

**Amendment of the Hon. Chris Rath to the amendment of the Hon. Courtney Houssos agreed to.**

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** The question now is that the amendment of the Hon. Courtney Houssos as amended be agreed to.

**Amendment of the Hon. Courtney Houssos as amended agreed to.**

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

**Motion as amended agreed to.**

#### MODERN MANUFACTURING COMMISSIONER

**The Hon. JACQUI MUNRO (21:10):** I move:

That this House condemns the Minns Labor Government for cutting the role of the NSW Modern Manufacturing Commissioner, which was created under the former Coalition Government as part of a suite of measures to enhance the State's manufacturing capabilities and capacity, including detailed work to present the first Modern Manufacturing Strategy.

I condemn the New South Wales Government for axing the role of the NSW Modern Manufacturing Commissioner without any ministerial clarification or announcement from Minister Anoulack Chanthivong. I also condemn the Labor Government and the Minister for not releasing the modern manufacturing strategy, which was due in 2023. Who should we say is responsible for advanced manufacturing in this Government? Unfortunately the NSW Labor team were so concerned about the capacity of their Minister for Industry and Trade, and Minister for Innovation, Science and Technology to deliver on advanced manufacturing that they shifted the portfolio across to the Minister for Finance, who is also the Minister for Domestic Manufacturing and Government Procurement.

Lisa Emerson, the State's first Modern Manufacturing Commissioner, was very quietly let go in October just after the appointment of the finance Minister to her new Domestic Manufacturing portfolio on 28 September 2023. As I said, Ms Emerson was the first Modern Manufacturing Commissioner in New South Wales and in the nation. She was appointed under the Coalition Government in 2022. The Opposition believes that modern manufacturing should be supported to play a larger critical role in the State's economic development, as noted in the Department of Industry's 2018 report entitled *NSW advanced manufacturing industry development strategy*, and to be expanded upon, I imagine, in the upcoming modern manufacturing strategy. I note that during budget estimates in 2023 when I asked the departmental representatives about this issue, there was a clear acknowledgement of the work that Ms Emerson had done to advance advanced manufacturing in New South Wales and for her contribution to the modern manufacturing strategy, and yet she would not be individually credited when the strategy was eventually announced despite her clear leadership in this space.

This is clearly not a Labor priority, despite the clear benefits and opportunities that advanced manufacturing has. I applaud Ms Emerson on her work. I call on the New South Wales Government to urgently reinstate the NSW Modern Manufacturing Commissioner. Do not take my word for it. Federal Labor MPs are delighted by the idea of a modern manufacturing commissioner; they think it is fantastic. The Commonwealth Standing Committee on Industry, Science and Resources released a report in November 2023 entitled *Sovereign, smart, sustainable*. It was chaired by a Labor MP and it quoted our State's first Modern Manufacturing Commissioner many times, including this comment by Ms Emerson:

I think the country would benefit from sharing capability maps from across all states to have a national framework on capability mapping in Australia.

Will this happen? It is so unclear. This is the kind of leadership and insight that Ms Emerson was providing for the New South Wales Government, the country and the industry. The Commonwealth committee felt that our commissioner's impact was so important and so valuable as a point of contact for the industry, as an expert in the field, as a spokesperson and as a leader solely focused on advancing manufacturing that it made the creation of such a position at a Federal level its very first recommendation, yet the New South Wales Labor Government cut the position without even justifying why. I note the comments of Julie Harrison, CEO of the Sydney-based Harrison Manufacturing company, in November last year after learning of Ms Emerson's axing. She wrote in *AuManufacturing*:

My view of the New South Wales Commissioner for Modern Manufacturing was she was in a great place to develop a strategy for the state—and by default, Australia—which would set out how we could use our high educational standards, our resources industry, and our knack for innovation to offer a unique manufacturing proposition to the world.

So what is advanced manufacturing? It is sector agnostic, but there is an expectation that it should be globally competitive, meet a market need and be efficient and profitable. Katie Knight, the CEO of Investment NSW, wrote in the introduction to the *Startup Muster 2023 Report* that advanced manufacturing is up from 4 per cent of startup products and services in 2018 to 12 per cent in 2023, which is a huge jump. This kind of growth was only experienced by green tech in the same period. They are serious numbers and they reflect the serious interest and activity in Australian advanced manufacturing. It has also grown as a sector, as a top target industry for startups and startup supporters. This is something that needs to be a focus of the Government. I condemn the Government for cutting the role of the NSW Modern Manufacturing Commissioner.

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (21:15):** I thank the honourable member for the opportunity to put the record straight. Who cut the funding for the NSW Modern Manufacturing Commissioner? It was the previous Government. Who were the ones who failed to provide the funding? I admire the efforts of the Hon. Jacqui Munro in defending the legacy of the previous Government. I wish her the best and strongly encourage her to continue, but she needs to know the facts first. She asked in her opening statement, "Who is responsible for manufacturing in this Government?" That would be me. I am the Minister for Domestic Manufacturing and Government Procurement.

Of course, I am working closely with my ministerial colleagues, including the Minister for Transport, who has great coverage in terms of the direct spending dollars. In terms of the broader ecosystem of domestic manufacturing I am working closely with Minister Chanthivong, who is doing an excellent job across a range of very difficult portfolios. I completely reject the assertion that it was in some way taken away from him. That is absolutely incorrect. He is doing an excellent job. He is a fantastic member of the other place and an excellent Minister.

Let us be clear about what happened under the previous Government. We do not need more plans. We do not need more strategies. We need real action to rebuild our domestic and advanced manufacturing sectors here in New South Wales. In 12 long years, those opposite did nothing—absolutely nothing. Members who were not here at the time can try to rewrite history, but we witnessed it firsthand. Trains and other large transport projects were sent overseas. I thank Ms Lisa Emerson for the important work that she undertook, but the idea that we should reinstate a commissioner position instead of having a ministerial level of responsibility shows a clear misunderstanding of how this Government is prioritising and providing real action to rebuild our domestic manufacturing capability here in New South Wales.

We are not going to waste the opportunity that we have. We take this responsibility seriously. It is true that there are some fantastic opportunities to leverage our government procurement dollars in relation to transport projects. But there are some amazing opportunities to build those things here for our clean energy future. This intersects with my portfolio of Natural Resources. I encourage the member to take a closer look at and to consider those opportunities. It is certainly what I am doing in working with my colleague the Minister for Energy, and Leader of the Government in this place. We will rebuild our domestic manufacturing capability. We will find those opportunities and we do not need a commissioner to do that.

**Ms ABIGAIL BOYD (21:19):** I speak briefly on behalf of The Greens. We will not support the motion. Again, I remind the Hon. Jacqui Munro that this sounds like a you problem. We have talked about this before. These are things that the previous Government did. They had their way of doing things; it was focused on allowing business to run roughshod over everybody else. At the election people considered all of the things that Coalition members had done. Once again, I remind the member that it was Labor that got voted in because people wanted something different. On that basis, Government members are doing things in a different way. I am glad that they are not trying to rely too heavily on business and are trying to lead things from government. Instead of trying to reinstate the things that it lost the election over, perhaps the Coalition needs to come up with some new ideas before the next election.

**The Hon. CAMERON MURPHY (21:20):** I thank the Hon. Jacqui Munro for bringing the motion to the House. It is obvious, is it not, that you do not need a commissioner when there is a Minister responsible for this policy area. We have an excellent Minister who is now responsible for domestic manufacturing and procurement. As Ms Abigail Boyd has pointed out, Labor won the election. Yet again, as we have heard virtually all day today, Coalition members are putting forward exactly the same policy ideas that they took to the last election. They lost because the people of New South Wales decided they did not like that suite of policies. People want things done differently. They want a government to focus on things like domestic manufacturing and jobs in the State for people to build things that work, trains that fit in the tunnels and ferries that do not have engines that blow up. They are basic things that governments should be doing, which Coalition members, when they were in government, abjectly failed to do.

The motion is an excellent opportunity to remind people why Labor was voted into government—and I thank the member for bringing it to the House. It was to fix problems. The first step in fixing those problems is having a Minister who is responsible. When you have a Minister who will focus on domestic manufacturing and who will ensure that we build things here in the State that people need, and in a way that will work in our transport network and all the other areas of domestic manufacturing and procurement, you do not need a commissioner beneath the Minister to do it.

The signal from Coalition members was that it was unimportant. It was not something they were focused on. That was why they did not have a ministerial-level focus driving it. They had a commissioner doing it. The policy was a failure, which was demonstrated by almost everything they engaged in. They did not buy anything domestically; they bought trains from Korea. They bought other things from overseas. They tried to retrofit them into New South Wales and none of it worked. The Labor Government now has to fix those mistakes and do it all over again. It was just a failed policy. But I thank the member for reminding the people of New South Wales of this. The more motions like this we have in the House, the more people will understand why we needed a change of government and how wonderful it would be into the future.

**The Hon. JACQUI MUNRO (21:23):** In reply: I thank members for their contributions. I must say that the debate demonstrates a complete misunderstanding of the motion and the value of the Modern Manufacturing Commissioner. The reality is that the private sector—the start-ups, the investors—are crying out for a point of

contact. Members did not have to listen to just what I think. I read out the incredible testimonials from people around the sector, including the CEO of Investment NSW, talking about how important advanced manufacturing is. This is not just manufacturing as a whole. This is specialised, technological advancements that will make our economy more prosperous and productive. That is exactly what we need to grow our economy. Honourable members—and the finance Minister, in particular—have revealed a complete misunderstanding about that and a complete inability to recognise the need for a representative for those industries. The admission that Minister Chanthivong is not up to the task, that he was the Minister responsible for advanced manufacturing—

**The Hon. Courtney Houssos:** Point of order: That is a complete misrepresentation. That is misleading the House. I absolutely did not say, and no-one in this debate said, that Minister Chanthivong is not up to the task. I ask the member to withdraw the comment.

**The Hon. JACQUI MUNRO:** To the point of order: I believe that the inferences that the Minister made in her contribution to the debate, talking about the clarity of her ministerial portfolio now being responsible for manufacturing, unlike the previous Minister, is a clear indication of what I just said.

**The Hon. Courtney Houssos:** Further to the point of order: I clearly said that Minister Chanthivong is an excellent Minister, doing an excellent job. The member can draw whatever inference she likes, but I ask that she withdraw the assertion that I in any way said that the Minister is not up to the task.

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** I have heard enough on the point of order.

**The Hon. JACQUI MUNRO:** I withdraw the assertion. I will say it myself. Minister Chanthivong is clearly not up to the task. The reality is that the finance Minister is now responsible for manufacturing in New South Wales. I do not know what the extra portfolio responsibilities are in terms of legislation. We are missing a focus on companies like Silicon Quantum Computing, Diraq, RØDE Microphones, Sound Engineering and Cochlear, which helps people to hear. Those kinds of companies require dedicated support from an advanced manufacturing commissioner, and that is what we have lost under this Labor Government.

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

**The House divided.**

Ayes .....12  
Noes .....21  
Majority.....9

#### AYES

Carter  
Fang (teller)  
Farlow  
Farraway

MacDonald  
Maclaren-Jones  
Martin  
Merton

Mitchell  
Munro  
Rath (teller)  
Tudehope

#### NOES

Boyd  
Buckingham  
Buttigieg  
Cohn  
D'Adam  
Faehrmann  
Graham

Higginson  
Houssos  
Hurst  
Jackson  
Kaine  
Lawrence  
Mookhey

Moriarty  
Murphy (teller)  
Nanva (teller)  
Primrose  
Roberts  
Ruddick  
Sharpe

#### PAIRS

Taylor  
Ward

Suvaal  
Donnelly

**Motion negatived.**

*Documents***ALBURY HOSPITAL REDEVELOPMENT****Production of Documents: Order**

**Dr AMANDA COHN (21:34):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents, excluding any documents previously returned under an order of the House, in the possession, custody or control of the Ministry of Health; the Department of Climate Change, Energy, the Environment and Water; the Department of Planning, Housing and Infrastructure; the Minister for Health, Minister for Regional Health, and Minister for the Illawarra and the South Coast; the Minister for Transport; the Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast; or the Minister for Planning and Public Spaces, relating to the Albury Hospital redevelopment:

- (a) all documents created since 1 January 2022 relating to the Albury Hospital redevelopment and:
  - (i) clinical services plans or reviews;
  - (ii) consultations undertaken with clinicians;
  - (iii) Project Control Group minutes;
  - (iv) capital investment proposals;
  - (v) costings;
  - (vi) points of care profiles and projections;
  - (vii) value management studies;
  - (viii) transport planning; and
  - (ix) geotechnical assessment.
- (b) the Albury-Wodonga Health Clinical Services Plan 2022;
- (c) all documents created since 1 January 2021 relating to the Albury Hospital redevelopment and correspondence or briefs with:
  - (i) Mr Justin Clancy, member for Albury; and
  - (ii) Albury-Wodonga Health.
- (d) any legal or other advice regarding the scope or validity of this order of the House created as result of this order of the House.

Albury-Wodonga is in desperate need of a single site regional hospital. My previous order for papers on this matter revealed that the 2021 extensive master planning process recommended a new greenfield hospital, but the Government is persisting with the brownfield redevelopment of the existing Albury Hospital that was announced by the previous Government. I know the Albury Hospital back to front. It is where I trained and then worked as a resident doctor. I was the Acting Mayor of Albury in early discussions regarding planning for a single site hospital. Albury-Wodonga is a rapidly growing regional community and our health service services a huge regional catchment. I have serious concerns that it is not possible to deliver the services that our community needs on that site within the funding envelope promised.

It is already clear that Wodonga Hospital will need to continue to operate as an acute hospital after the upgrade of Albury Hospital, which will put patients at risk by having clinicians on call to cover both hospitals, or having to transfer patients by ambulance to reach intensive care on the other side of the Murray. Nobody can answer a simple question like the number of beds resulting from the planned redevelopment. Despite attempted reassurances by the Minister and the department, it is not clear that adequate geotechnical site assessment has taken place, nor has it been taken into account in their costings. For example, it has been revealed that a ward is currently sinking and putting patients and staff at risk due to being built on reactive clay soil. In my short time in Parliament, I now have serious concerns that similarly poorly planned health infrastructure may be going ahead around the State.

The new Government introduced a protocol for proactive release of Government information to members of the Legislative Council. While that initiative is commendable, it is not working as promised. I have faced difficulties over a period of months to have just one document produced under this protocol. My community of Albury-Wodonga deserves transparency. This Government has stood by the decision of the previous Government to pursue a brownfield redevelopment at a cost of \$558 million to the New South Wales public. We deserve an understanding, in detail, of what that means for the future of health care in our region, and to understand whether this multimillion-dollar expenditure is the most effective investment of public funds to improve health care in our region.

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (21:36):** I lead for the Government and indicate that the Government will not oppose the motion. In doing so, I acknowledge the important work that Dr Amanda Cohn has done in this place but also in her community on this important issue. I note, as members know, that the Government is committed to increased transparency. I understand the Deputy Leader of the Government will have more to say in relation to that. We are seeking to proactively release information on many matters, and that has been the case for this redevelopment. This case is unique. Unlike the other 228 hospitals and health facilities that support New South Wales residents, Albury-Wodonga hospital is administered by Albury Wodonga Health, which is overseen not by NSW Health but by the Victorian Government. Accordingly, the sort of information that the Government holds on this hospital is more limited, and often consultation is required with our Victorian counterparts.

Notwithstanding this unique situation, I am advised that my colleague in the other House, the excellent Minister for Health, my good friend the Hon. Ryan Park, has facilitated multiple briefings for Dr Cohn on this matter as well as proactively having released the 2021 Clinical Services Plan and the Albury-Wodonga master plan, including hundreds, if not thousands, of pages on this hospital project. I am sure Dr Cohn is looking forward to that, or is working her way through those documents. I am also advised that, with the agreement of the Victorian Government, the Minister also today has proactively provided a copy of the 2022 Clinical Services Plan that is referenced in this motion. While I note that the material has been provided proactively to date, projects of this scope are extensive. The Government is happy to provide further materials, both proactively or under order, if the House deems it fit.

**The Hon. DAMIEN TUDEHOPE (21:38):** The Opposition will not oppose the motion, because that is what we on this side said we would do. When we give our word in relation to supporting motions in this place, we stand by that commitment which we have given.

**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) (21:39):** In contributing to debate on the motion, I will speak briefly about the process. My colleague has put the Government's position strongly and has detailed some of the matters about the issue. I do not want to comment on the issue. However, I wish to place a few things on the record. Firstly, Dr Amanda Cohn has done exactly what she should have done in working through the process and is to be commended for doing so. This is a legitimate line of inquiry about a local area that she knows well and a set of questions that are important to the local community. I single out the member for having pursued this set of issues in exactly the appropriate way. That is one reason that I am pleased to acknowledge that the Government's position is to support the motion.

Secondly, I place the following comments on the record, particularly after this morning's debate in which members made it clear that, on occasions, these issues are getting stuck. I am pleased to see that a proactive copy of the 2022 Clinical Services Plan has been provided. In my view, having sat in at least one of the meetings in relation to this, it is still too slow. I would have liked for the information to have been provided earlier to the member. These are legitimate requests, and this is one of the examples that has been raised with the Government. I place on record that I take that seriously. I look forward to this information being provided. If there are concerns about this individual instance or any other concerns, then I invite members to raise them with the Government, and we will certainly do our best to clear any other hurdles.

**Dr AMANDA COHN (21:41):** In reply: I thank Government members and Opposition members for supporting the motion and supporting the important exercise of the Council's function of ensuring the transparency and accountability of the Government. I appreciate the Minister's acknowledgement that the proactive release of information is not working quite as intended. I did receive the 2022 Clinical Services Plan today, having requested it in November and only following my indication that I was going to move this order for papers through the House today. I look forward to future requests for information being met proactively rather than reactively. I look forward to poring through many boxes of information about our hospital to share with my community.

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

**Motion agreed to.**

*Adjournment Debate*

**ADJOURNMENT**

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

That this House do now adjourn.

## LABOR GOVERNMENT

**The Hon. ROD ROBERTS (21:42):** It has now been nearly one year since Labor came to government in New South Wales and nearly two years since Labor came to government federally. In both instances, Labor ran on a message of renewal. It promised that it would deliver a fresh start. But today I am sorry to say that we have received nothing of the sort. Our State, our country and our general standard of living is on a downward trend. What the Liberal Party started, Labor has accelerated.

Australia and New South Wales can weather economic downturn; I have seen it with my own eyes. But I fear that while we can survive bushfires, crime waves and even Simon Holmes à Court, what we may not be able to survive is our own political class, whose lies, backflips and continued lack of integrity have engendered a feeling of national apathy, disengagement and dislike for our country and its institutions. We saw an example of that just recently, with Australia Day being turned into an excuse to trash Australia, complete with burning flags, vandalised statues, antagonistic protests and downright disrespect shown by big business, politics and the media. It is clear to me that people today simply do not believe in Australia's future. And with a political class like ours, is it any wonder why? Why would anybody possibly put their faith in a nation and its institutions when the people in charge repeatedly lie and break promises?

Let us look at our own Prime Minister. After repeatedly pledging to deliver the stage 3 tax cuts in full, the Labor Prime Minister unveiled a total rewrite of the package that leaves many Australians worse off. He said that he would not tamper with the tax cuts, and he lied. It gets worse. Labor promised 97 times that it would reduce power bills by \$275. Instead, power bills have gone up by at least \$400 on average—another broken promise. The Prime Minister promised cheaper mortgages. Instead, mortgages have gone up by as much as 50 per cent. Families are struggling and they are getting poorer. It is another broken promise.

Labor signalled that it would cut immigration, with the PM quoted as saying that Australia must stop relying on overseas workers. Instead, it immediately proceeded to lift immigration to its highest levels ever, taking in 737,000 migrants in one year. It was yet another lie. Labor promised that it would not touch superannuation, but last year it doubled the tax rate for 80,000 Australians—another lie. Labor said that it would build 1.2 million homes by 2029. Already our Premier, Mr Minns, has said that that will not happen. It was another lie.

Perhaps the Prime Minister's most egregious lie or perhaps his funniest joke was when he said he was an honest person. Clearly, he is not. How can a country operate when its Prime Minister is a proven liar? How can we honestly ask people to fly the flag, celebrate Australia Day or do their civic duty when our head of government is a man who breaks his word? Australia's decline into the status of a tinpot banana republic continues, headed by shady government officials with questionable property portfolios, backed by a weaker and weaker currency, saddled with huge amounts of debt and propped up by a ridiculous housing market.

Another excellent example of Australia's looming failed-State status is our renewable energy grift. Just last week, energy Minister Chris Bowen announced that we would spend \$137 million to keep the Port Kembla steelworks operating and \$63 million to keep the Whyalla steelworks operating. These subsidies simply would not have been necessary had his Government not imposed a 5 per cent per year emissions cut on heavy industry. No serious country demonises coal while also subsidising it. Former Deputy Prime Minister John Anderson wrote recently:

The seriousness of a lack of enthusiasm for celebrating Australia Day is not really about flags and bucket hats, it is linked with the ever-growing cynicism towards Western civilisation in general.

Given the repeated lies, backflips and decisions of our political class, is it any wonder Australians are growing more cynical about their system? With leaders like these at the wheel, who needs enemies? Australia's greatest threat is not from without but from within. As many failed empires long ago figured out, the rot starts at the top. What starts with a lying leader ends with a toppled statue. It is time for a real change.

## CAT WELFARE

**The Hon. EMMA HURST (21:46):** In an appalling move last year, the Federal Government announced its war on cats. No, this is not hyperbole. The environment Minister said:

We are declaring war on feral cats. And today, we are setting up our battle plan to win that war.

This statement has so many problems that it is astounding. Why is the Federal Government resorting to wartime terminology? War should not be glorified. Cats are not an enemy; they are not planning some evil takeover strategy. They are simply animals, brought here by the British. This so-called war is literal propaganda. It is dangerous and unhelpful rhetoric used to oversimplify a complex issue and create a scapegoat for the Australian Government's failings. In its action plan, the Government said that cats are one of the main reasons Australia is the mammal extinction capital of the world. How convenient that we, as human beings with our native forest logging, new gas and coalmining projects, and overdevelopment are not to blame. Our inaction on the climate

crisis surely could not be related to the small patches of remaining wilderness that are being obliterated by fire and floods. No, surely it all comes down to cats—simple!

In the real world, though, habitat destruction in Australia is extreme, and we not only fail to stop it but actively take part in it. Then we have the audacity to blame cats for driving our native animals to extinction. Native animals also must compete with farmed animals for food, land and other resources. And this deforested farmland, with its huge amounts of effluent and huge demands on water, is protected by the Government. Native animals also face lethal glue traps, fruit tree netting, snares, fishing hooks, discarded nets, recreational hunters, and indiscriminate poison-baiting programs that were rolled out by the Government. No matter what the intention is, each of those disrupts, injures and kills native wildlife. We even kill them directly. Our highways are graveyards for native animals. The reported statistics are paltry. Most people do not even stop when they hit an animal. But there are at least 10 million animal deaths reported in vehicle insurance claims each year. A majority of those are native animals, many of them endangered species, and yet a war is declared on cats. Does no-one else hear how absurd that is? We are responsible for the crisis and we have real options for addressing it.

Killing cats is not the real option; it is a diversion. Nothing can justify government funding for a device as cruel as the Felixer. That device is modern day horror. It is a box that sits outdoors and is filled with poison cartridges. It emits a variety of audio lures designed to attract cats, including the sounds of a cat in distress. When a cat approaches, the Felixer sprays the animal with a lethal dose of 1080 gel. When the cat next grooms, they will die from poison ingestion. When the Felixer was showcased by the Government, a spokesperson had the audacity to say that cats go off and die peacefully.

There is nothing peaceful about 1080. It is one of the most horrific and inhumane ways for an animal to die. They convulse, froth at the mouth, vomit, shake and experience seizures and screaming fits. That agony can last for up to 48 hours. It is the most inhumane poison that someone can legally use in this country. It therefore fails the Government's own recommendation in the abatement plan, which is to choose programs justified by overall humaneness. Do cats really deserve this? Consider that most cats the Government is targeting are actually abandoned domestic cats. They were abandoned, dumped or neglected by irresponsible animal owners.

The problem hardly starts with the cats. For too long, governments have failed to deal with dodgy breeders and illegal kitten factories. Council pounds are overwhelmed. Countless members of the public give their time and money to care for colonies of homeless cats. The answer is not to brutally kill those cats in indiscriminate, slow and cruel ways. Experience shows that desexing works. In fact, it is fast, economical, compassionate and evidence based. Advocates around the nation have been calling for government-funded cat desexing programs for years. Desexing efficiently reduces the number of free-roaming cats, the number of cats being impounded and the number of healthy cats being killed. It is much more effective in slowing the breeding cycle than lethal measures. A lethal war on cats is unconscionable, especially when a compassionate solution is already available. I call on all levels of government to take serious action to introduce widescale cat desexing programs and to stop the ridiculous and unforgivable war on cats.

### LIVE MUSIC AND CLIMATE CHANGE

**The Hon. Dr SARAH KAINE (21:52):** In December last year I hosted a year 10 work experience student in my office, Olive Johnson. Across the three days she toured Parliament, visited the Minister for Environment's office and met the Premier. After her introduction to Parliament, I asked her to write a speech on anything that was of interest to her and, while koala habitat and climate change were high up on her list of interests, at the very top was Harry Styles. I was impressed that she found a way to combine those interests, the result being the speech that I will now share with members.

How good has the music scene been in New South Wales since the pandemic ended? Ed Sheeran, Billie Eilish, Harry Styles and many others have all played venues in Sydney, with artists like Paul McCartney and the Killers having played in regional areas. The concerts continue with Taylor Swift, the Kid Laroi and Coldplay, who are set to tour Australia this year. But, unfortunately, most concerts are really bad for the environment. Live music concerts contribute to climate change through excessive carbon emissions caused by fan and artist air and road travel, big energy consumption and mass production of merchandise.

The carbon emissions produced by concerts are significant, with artists using private jets, along with vehicles for staff and equipment. A report by Transport and Environment, a European clean transport group, stated "private jets are five to 14 times more polluting than commercial planes per passenger and 50 times more polluting than trains", and those numbers are still expected to grow. Audience travel also significantly contributes to the many tonnes of CO<sub>2</sub> produced every concert. Of course, there is no way a concert can happen without an audience but, instead of everyone taking their own cars, they should be encouraged to think of ways to attend via public transport to lessen their carbon footprint. We already see that with major concerts like Taylor Swift including public transport in their tickets, but it should be the case for all concerts.

Not only do the larger scale things of concerts affect the environment; it is the little things too. Single-use plastics at concerts continues to create unnecessary waste, which threatens the health of the environment. Live Nation announced it will be rolling out new reusable cups to eliminate single-use plastic and work towards net zero concerts. The cups can be returned at the end of the concert by being placed in collection bins around the venues. The cups are currently only in select venues but are set to eventually come to the majority of concerts worldwide.

Some concerts, however, pose further danger to the environment. At Taylor Swift's the Eras Tour, for example, plastic light-up bracelets are handed out to people when they enter the stadium. The bracelets create loads of e-waste and, although there are recycling boxes throughout the stadium, the majority of Swifties keep their bracelets as souvenirs, which will eventually end up in landfill. I have the remnants of some of those around my house as they have been made. Harry Styles' Love On Tour, which came to Sydney in early 2023, produced a significant amount of waste, which was scattered through the stadium and the surrounding area. As Styles is known for his iconic fashion that frequently includes a feather boa, fans have caught on to the trend of wearing faux feather boas at his concerts. Although the boas look great in photos, they are not long lasting and usually disintegrate by the end of the concert. That leaves a huge amount of waste behind, and there were still feathers lying around weeks of the concert ended. Faux feathers are environmental hazards that take years to decompose and that harm wildlife if ingested.

Some artists have started to make changes to become more eco-conscious. Examples include Billie Eilish ensuring vegan options are available at the venue—although I think Morrissey has been doing that since the 1980s. I am not sure Olive, or those of her age, would know who Morrissey was. The 1975 have been replacing logos on old merch for future tours to prevent it going to landfill and Coldplay are using sustainable energy sources to power their world tour. We all love our concerts, and New South Wales wants to continue to attract the best artists and musicians, but our net zero future depends on making concerts much more sustainable so that they can be enjoyed by future generations. I thank Olive for her work.

#### PLANNING POLICY

**The Hon. SCOTT FARLOW (21:56):** I speak tonight on the Minns Government's planning announcements, which the Planning Institute of Australia described before Christmas as "the advent calendar of planning announcements". While they may have been released before Christmas, when the Government thought the community was sleeping, the community is certainly awakening to these planning announcements that will have wideranging ramifications across New South Wales from Medowie to Mollymook, from Bondi to the Blue Mountains and everywhere in between. In the Government's changes to the low- and mid-rise housing State environmental planning policy we will see wideranging changes to R2 zones across New South Wales. We have already heard concerns from mayors in Labor areas about the impact of that on their communities, where duplexes will pop up on 12-metre wide, 450 square metre blocks. That is of concern to some communities.

Members on this side of the House have always said that we believe in increasing housing in New South Wales, but we believe it needs to be done right. It needs to be done in consultation with communities, and communities need to be allowed to design it so that they can have confidence in the changes. R3 zones, which are anywhere within 800 metres of train stations, and are also described as "accessible areas", are loosely defined in what the planning department has announced. They can be local shopping centres and local town centres. We will see residences in those zones going up as high as 21 metres. There are also changes to the infill affordable housing policy that will see those buildings rise to over 27 metres. We have already heard concerns about the impact of the changes from communities like the Blue Mountains and its Labor mayor, Mark Greenhill.

That is the problem when a one-size-fits-all approach is applied all across New South Wales. We have had silence from the local member for the Blue Mountains, Trish Doyle, who has not indicated her position on the changes and whether she stands with the council against what could be 27-metre high buildings in Springwood and Hazelbrook. That is an increase from the eight metres that is currently in place in the R3 zones in those communities. In relation to the changes Darcy Byrne, the mayor of Inner West Council said, "This is just not going to be achievable to be in place by 1 April."

That is what happens when we do not consult communities. Members on this side of the Chamber are standing up for communities and saying, "Yes, we need more housing. Yes, we need more density. But it must be done right and it must be done in consultation with local communities." It is not only Coalition members who are saying that; Labor mayors are saying it too. As reports tonight indicate, members of the Labor caucus are speaking out, including Lynda Voltz, the member for Auburn, who is speaking out on behalf of her community about those impacts. We also heard from Donna Davis, the member for Parramatta, who is asking about what it means for her community.

Members of the Government want to cast nimby shade on anyone who questions what the changes will mean for infrastructure in their community and what the Government will do to support those increased densities. But the Minns Government wants to brush everyone aside and say, "Get out of the way." That has been the Government's mantra from day one: "If people have questions about planning in their community or about increased density, just get out of the way." The Opposition has been saying that it must be done right. Planning is important. It is important to increase densities in our cities because we have more people to accommodate and we have a housing crisis, but the Government is making it worse. The Government has put a \$12,000 tax on every new home in Sydney, and we have heard that developers are walking away from New South Wales because they simply cannot make it work when it comes to the feasibility of projects.

I can talk from personal experience about what happens with zonings. In 2015 my late grandmother sold her property to developers. That site has sat there ever since and it has still not been developed, even though a 28-metre tower could be built on the site. There is a problem with feasibility and land banking. If the Government approached that underutilised capacity, they could see many more projects come to market on land that the council has already zoned. But the Government has done nothing about addressing that issue. Instead it has looked for a lazy, one-size-fits-all approach. That approach has been addressed by councils and communities across New South Wales, which are wising up to the changes brought in by the Government just before Christmas when it thought the community was not listening. The community has certainly woken up.

### THE NATIONALS TENTERFIELD BRANCH

**The Hon. WES FANG (22:01):** Recently I made a trip to Tenterfield, which coincided with the Australia Day long weekend. I am not afraid to say "Australia Day". I was very proud to be able to spend the Australia Day long weekend with the good people of Tenterfield. As part of that trip I attended the Tenterfield Show. The National Party has long had a proud history in Tenterfield. Once again it was great to see local Nationals volunteers and members showing up to fly the flag for our community and political party by setting up a stand at the show. I will admit that it was a hot, muggy day, but our volunteers and branch members are so passionate about what we do for rural and regional New South Wales that we came together. I joined with our candidate who ran in the last election, Alex Rubin, and together we talked to people about a number of issues that are troubling people in Tenterfield.

The biggest issue we heard about was the cost of living. I am sure all members have heard about that. I note the contributions to debate on the motion from the Hon. Sarah Mitchell regarding back to school vouchers. It was interesting to hear from people on the ground about how important those back to school vouchers were and how much those locals have missed that financial support and assistance, which helped their kids to get a little bit more funding for school, because we all know how expensive school can be. I also had the great pleasure of presenting the Val Gardiner award at the show from the cattle ring. Val Gardiner was a staunch National Party life member. Her contribution to her community and to the National Party cannot be overstated. To be there to present that award on behalf of the family means so much to those of us who understand what it means to be a National Party life member. Some people are perhaps Nats in name only—and I can think of one or two myself—but there are real Nats and Val Gardiner was one of those.

It was also good to see that while stalwarts of the party were there—people who have been members for decades—young people were on the stand in equal numbers. They were there because their passion for politics and for rural and regional areas has driven them to join the Nats. I thank the branch and electorate council chair Josh Moylan, Veronica Harris, Matt Singh, Toby Smith, Peter Jeffrey, Peter Petty and Terry O'Sullivan for volunteering their time to be at the stand. It was a hot and muggy day, but we stood proud and we stood together.

We spoke to people who had been displaced from Lismore, as Tenterfield is in the Lismore electorate. I spoke to a number of people who were impacted by the natural disaster that happened there, and it is clear that the Government needs to do more work. I will not play politics with the matter, but I think the Government knows that there is more work to do in that area. One of the final things that I did before I left was go down to the saddlery and get a photo because, when in Tenterfield, you cannot help but hear the song *Tenterfield Saddler*. You cannot help but feel those words echo. I will be back, because the Nats will always represent Tenterfield.

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** I am glad the Hon. Wes Fang did not break into song.

### TRANSIT-ORIENTED DEVELOPMENT

**The Hon. BOB NANVA (22:06):** Like my friend the Hon. Scott Farlow, I also make some reflections on the planning framework in New South Wales—specifically, transit-oriented development. I have had a great interest in it over the years, including as a member in this Chamber, and it has become an important element of the Labor Government's approach to addressing the housing crisis. It should be an unremarkable proposition that

new transport projects be located where people live or are going to live and that the density of housing be commensurate with how far it is located from transport hubs. Transit-oriented development is a considered, equitable and commonsense policy response to tackling housing shortages, yet it is grossly underutilised in Sydney.

At the best of times, it makes sense for planners to encourage infill developments around transport nodes. Older residents seeking to downsize but wishing to stay in their local areas are given a greater variety of housing stock that is more affordable, closer to services and closer to infrastructure. But in the present circumstances, where migratory and economic factors place housing affordability under such intense strain, the urgency to plan intelligently around transport infrastructure in established suburbs is even more acute. Those who are opposed to higher density on the one hand while capitalising on the economic dividends of growth, migration and a global Sydney on the other cannot untangle the benefits from the burdens. Nor should they, because we all have a role to play in carrying the burden that comes with living in one of the world's great cities.

That is why it is unconscionable for planning restrictions such as heritage, traffic and amenity to be so misappropriated in a way that results in ours becoming a city of lifters and leaners. To suggest that entire council areas or suburbs can be immune from having to solve Sydney's housing crisis because of some elevated status is not only nonsense; it is to wrongly imply a superiority of some areas over others. It leaves outer metropolitan areas in Western Sydney, where I am from, or the regions to do the heavy lifting on housing supply, because our amenity or streetscapes are somehow less worthy of preservation or protection.

Why main thoroughfares or precincts surrounding transport corridors on the lower and upper North Shore have an inherent quality that makes them inappropriate for greater housing density while comparable thoroughfares or precincts in communities like mine are appropriate remains one of life's great mysteries to me. It is bad enough that there are lifters and leaners when it comes to solving this perennial Sydney problem around housing supply and affordability. It is worse still that past governments have persisted with an environmentally unsustainable and failed program of building out and not up, way out of town and with infrastructure that is undercooked. But it is beyond the pale when legitimate planning protections are exploited to keep entire areas immune from a measured policy response without having the courage to truthfully articulate why.

Given the scale of the housing crisis, we no longer have the luxury of time to entertain generic arguments of appropriateness or inappropriateness, particularly where there are areas close to the city and close to jobs with multiple modes of transport, good local hospitals and good local schools that can sensibly shoulder some of the load. To give into those generic arguments is not just to give in to nimbyism but, worse still, to accept the implication that those areas are somehow more elevated in their prestige and worthy of protection than many other communities that have seen their streetscapes evolve for decades.

The Premier has rightly noted the urgency in delivering sustainable housing options while also being honest about the challenges we need to overcome in order to achieve them. But bold, inspired ideas like creating a new precinct at Rosehill and implementing planning controls to distribute multistorey housing near train stations across the State will maximise the real potential of a combined land-use planning and transport planning framework. Those are the sorts of reforms that must start now if the next generation of Sydneysiders is to have any hope of breaking into a more affordable housing market. If we want to reform our planning system, address the housing crisis and ensure our city is one that our children do not have to flee in the future, we need to be braver and bolder in the face of specious arguments of convenience that have dogged the housing and planning debates for far too long.

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** The question is that this House do now adjourn.

**Motion agreed to.**

**The House adjourned at 22:11 until Thursday 8 February 2024 at 10:00.**