

LEGISLATIVE COUNCIL

Tuesday 7 May 2024

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

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

Bills

ANIMAL RESEARCH AMENDMENT (PROHIBITION OF FORCED SWIM TESTS AND FORCED SMOKE INHALATION EXPERIMENTS) BILL 2024

ENVIRONMENTAL LEGISLATION AMENDMENT (HAZARDOUS CHEMICALS) BILL 2024

ELECTORAL FUNDING AMENDMENT (LOCAL GOVERNMENT ELECTORAL EXPENDITURE CAPS) BILL 2024

ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (SEA BED MINING AND EXPLORATION) BILL 2024

HUMAN TISSUE AMENDMENT (ANTE-MORTEM INTERVENTIONS) BILL 2023

AGEING AND DISABILITY COMMISSIONER AMENDMENT BILL 2023

CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) AMENDMENT BILL 2024

COMBAT SPORTS AMENDMENT BILL 2024

INDEPENDENT COMMISSION AGAINST CORRUPTION AMENDMENT BILL 2024

BAIL AND CRIMES AMENDMENT BILL 2024

CONVERSION PRACTICES BAN BILL 2024

ENVIRONMENT PROTECTION LEGISLATION AMENDMENT (STRONGER REGULATION AND PENALTIES) BILL 2024

Assent

The PRESIDENT: I report receipt of messages from the Governor notifying Her Excellency's assent to the bills.

Governor

ADMINISTRATION OF THE GOVERNMENT

The PRESIDENT: I report receipt of messages regarding the administration of the Government.

Documents

INSPECTOR OF CUSTODIAL SERVICES

Reports

The PRESIDENT: According to the Inspector of Custodial Services Act 2012, I table the following reports of the Inspector of Custodial Services:

- (1) Report of the Inspector of Custodial Services entitled *Inspection of Six Youth Justice Centres (2022)*, dated March 2024, received out of session and made public on 22 March 2024.
- (2) Report of the Inspector of Custodial Services entitled *Inspection of Wellington Correctional Centre 2022*, dated May 2024, received out of session and made public on 6 May 2024.

SMALL BUSINESS COMMISSIONER**Reports**

The PRESIDENT: According to the Small Business Commissioner Act 2013, I table the report of the Small Business Commissioner for the year ended 30 June 2023, received out of session and made public on 26 March 2024.

NSW OMBUDSMAN**Reports**

The PRESIDENT: According to the Ombudsman Act 1974, I table special report of the NSW Ombudsman entitled *Revenue NSW - The lawfulness of its garnishee order process*, dated 30 April 2024, received out of session and made public on 30 April 2024.

INDEPENDENT COMMISSION AGAINST CORRUPTION**Reports**

The PRESIDENT: According to the Independent Commission Against Corruption Act 1988, I table the report of the Independent Commission Against Corruption entitled *Investigation into the awarding of Transport for NSW and Inner West Council contracts (Operation Hector)*, dated April 2024, received out of session and made public on 30 April 2024.

*Motions***SECOND CHANCE FOR CHANGE PROGRAM**

The Hon. JACQUI MUNRO (12:33): I move:

- (1) That this House congratulates Kamilaroi man Steven Fordham, CEO and founder of Blackrock Industries, for leading the Second Chance for Change project.
- (2) That this House notes that Blackrock Industries originated in Muswellbrook, New South Wales, and is proudly 100 per cent Indigenous owned.
- (3) That this House acknowledges the success of Second Chance for Change, a grassroots program that helps to rehabilitate incarcerated Indigenous men through practical training, skills development, education and employment opportunities.
- (4) That this House celebrates the achievements of the more than 180 men who have been rehabilitated through the program and other participants who have successfully sought and maintained employment.
- (5) That this House recognises Steven Fordham's vision to collaborate with the New South Wales prison system to create pathways for incarcerated Indigenous men.

Motion agreed to.

AUSTRALIAN INSTITUTE OF INTERPRETERS AND TRANSLATORS NATIONAL CONFERENCE

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

- (1) That this House notes that:
 - (a) on 24 November 2023, the Hon. Mark Buttigieg, MLC, was honoured to represent the Minister for Multiculturalism, the Hon. Stephen Kamper, MP, and open the day's session of the thirty-sixth National Conference of the Australian Institute of Interpreters and Translators in Sydney;
 - (b) interpreters and translators play an indispensable role in the functioning of our multicultural society, which is why the theme of the conference, "Building bridges, strengthening alliances: Translation and interpreting in today's connected world", resonated so well with the conference participants;
 - (c) the conference brought together professionals from across the translation and interpreting industry, including scholars, language service providers, linguists, trainers and policymakers, with an insightful keynote speech provided by Tish Bruce, the Executive Director of the Health and Social Policy Branch at the New South Wales Ministry of Health; and
 - (d) Multicultural NSW was the ruby sponsor of the conference and Breda Diamond, Director of Language Services at Multicultural NSW, was also in attendance.
- (2) That this House congratulates the Australian Institute of Interpreters and Translators, including its president, Angelo Berbotto, on conducting the conference and continuing to work to support the vitally important interpreters and translators industry.

Motion agreed to.

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

The Hon. CAMERON MURPHY: I table a report of the Legislation Review Committee entitled *Legislation Review Digest No. 12/58*, dated 7 May 2024.

SELECTION OF BILLS COMMITTEE**Reports**

The Hon. BOB NANVA: I table report No. 16 of the Selection of Bills Committee, dated 7 May 2024. According to standing order, I move:

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

- (a) Health Practitioner Legislation Amendment Bill 2024;
- (b) Anti-Discrimination Amendment (Heterosexual Discrimination) Bill 2024;
- (c) Property NSW Amendment Bill 2024;
- (d) Automated External Defibrillators (Public Access) Bill 2024;
- (e) Health Legislation Amendment (Miscellaneous) Bill 2024; and
- (f) ICAC and Other Independent Commissions Legislation Amendment (Independent Funding) Bill 2024.

Motion agreed to.

*Documents***AUDITOR-GENERAL****Reports**

The CLERK: According to the Local Government Act 1993, I announce receipt of the following reports of the Auditor-General:

- (1) Performance Audit Report of the Auditor-General entitled *Cyber security in local government*, dated 26 March 2024, received out of session and published on 26 March 2024.
- (2) Financial Audit Report of the Auditor-General entitled *Local Government 2023*, dated 26 March 2024, received out of session and published on 26 March 2024.

AUDITOR-GENERAL**Reports**

The CLERK: According to the Government Sector Audit Act 1983, I announce receipt of a Performance Audit Report of the Auditor-General entitled *Workers compensation claims management*, dated 2 April 2024, received out of session and published on 2 April 2024.

*Committees***MODERN SLAVERY COMMITTEE****Reports**

The CLERK: According to standing order, I announce receipt of an erratum to report No. 1 of the Modern Slavery Committee entitled *Review of the Modern Slavery Act 2018*, dated 27 March 2024, received out of session and published on 27 March 2024.

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

The CLERK: According to standing order, I announce receipt of report No. 1 of the Select Committee on the Feasibility of Undergrounding the Transmission Infrastructure for Renewable Energy Projects entitled *Feasibility of Undergrounding the Transmission Infrastructure for Renewable Energy Projects*, dated March 2024, together with transcripts of evidence, tabled documents, submissions, correspondence and answers to questions on notice, received out of session and published on 28 March 2024.

Ms CATE FAEHRMANN (12:38): I move:

That the House take note of the report.

Debate adjourned.

JOINT SELECT COMMITTEE ON PROTECTING LOCAL WATER UTILITIES FROM PRIVATISATION

Reports

The CLERK: According to standing order, I announce receipt of report No. 1/58 of the Joint Select Committee on Protecting Local Water Utilities from Privatisation entitled *Protecting local water utilities from privatisation*, dated March 2024, received out of session and published on 28 March 2024.

The Hon. STEPHEN LAWRENCE (12:39): I move:

That the House take note of the report.

Debate adjourned.

PORTFOLIO COMMITTEE NO. 6 - TRANSPORT AND THE ARTS

Reports

The CLERK: According to standing order, I announce receipt of report No. 21 of Portfolio Committee No. 6 - Transport and the Arts entitled *Current and future public transport needs in Western Sydney*, dated April 2024, together with transcripts of evidence, tabled documents, submissions, responses and summary report to an online questionnaire, correspondence, and answers to questions taken on notice and supplementary questions, received out of session and published on 29 April 2024.

Ms CATE FAEHRMANN (12:39): I move:

That the House take note of the report.

Debate adjourned.

Announcements

RETURNS TO ORDERS

The PRESIDENT (12:40): I bring to members' attention that today marks one year since the first sitting day of the Fifty-Eighth Parliament and the first anniversary of the revised 2023 standing rules and orders of the House. Over the past year the Procedure Office has reviewed House papers and other resources to ensure compliance with the 2023 standing orders and to deliver further improvements wherever possible. I inform members that following a root-and-branch review of how orders for papers and related procedures are recorded both in the minutes and on the Parliament's website, from today clearer language will be adopted, with simpler content overall. Members may already have noticed a shift in recent sitting weeks to an abbreviated format for reporting on returns and related matters during formalities by me and the Clerk.

Relevant entries online and in the minutes for 2024 will be progressively updated from today. I emphasise that these changes impact the language contained in the content of entries and do not affect the status of any tabled documents or motions agreed to by the House. The changes will improve clarity and transparency in the complex procedures relating to Standing Order 52. Thus, I am confident that they will be more user friendly for all stakeholders accessing records of House proceedings in respect of the very important power of the Legislative Council to order the production of documents from the Executive.

Documents

RACECOURSE HOUSING DEVELOPMENT

Return to Order

The CLERK: According to the resolution of the House of Wednesday 13 March 2024, I table:

- (a) a return received on Wednesday 10 April 2024 from the Cabinet Office, together with an indexed list of documents;
- (b) a return received on Wednesday 10 April 2024 from the Cabinet Office, of documents subject to a claim of privilege; and
- (c) a return received on Wednesday 10 April 2024 from the Cabinet Office, of documents subject to a claim of personal information.

CAPTAINS FLAT LEAD CONTAMINATION SITES

Return to Order

The CLERK: According to the resolution of the House of Wednesday 13 March 2024, I table:

- (a) a return received on Wednesday 10 April 2024 from the Cabinet Office, together with an indexed list of documents;
- (b) a return received on Wednesday 10 April 2024 from the Cabinet Office, of documents subject to a claim of privilege;
- (c) a return received on Wednesday 10 April 2024 from the Cabinet Office, of documents subject to a claim of personal information;
- (d) a return received on Friday 3 May 2024 from the Cabinet Office, together with an indexed list of documents;
- (e) a return received on Friday 3 May 2024 from the Cabinet Office, of documents subject to a claim of privilege; and
- (f) a return received on Friday 3 May 2024 from the Cabinet Office, of documents subject to a claim of personal information.

SYDNEY INTERNATIONAL SPEEDWAY

Return to Order

The CLERK: According to the resolution of the House of Wednesday 13 March 2024, I table:

- (a) a return received on Wednesday 10 April 2024 from the Cabinet Office, together with an indexed list of documents;
- (b) a return received on Wednesday 10 April 2024 from the Cabinet Office, of documents subject to a claim of privilege; and
- (c) a return received on Wednesday 10 April 2024 from the Cabinet Office, of documents subject to a claim of personal information.

ALBURY HOSPITAL REDEVELOPMENT

Further Return to Order

The CLERK: According to the resolution of the House of Wednesday 7 February 2024, I table a return received on Tuesday 16 April 2024 from the Cabinet Office, together with an indexed list of documents.

WESTINVEST PROGRAM

Return to Order

The CLERK: According to the resolution of the House of Wednesday 13 March 2024, I table:

- (a) a return received on Wednesday 24 April 2024 from the Cabinet Office, together with an indexed list of documents;
- (b) a return received on Wednesday 24 April 2024 from the Cabinet Office, of documents subject to a claim of privilege;
- (c) a return received on Wednesday 24 April 2024 from the Cabinet Office, of documents subject to a claim of personal information;
- (d) a return received on Friday 26 April 2024 from the Cabinet Office, together with an indexed list of documents; and
- (e) a return received on Friday 26 April 2024 from the Cabinet Office, of documents subject to a claim of privilege.

MEMBER FOR NEWCASTLE

Return to Order

The CLERK: According to the resolution of the House of Wednesday 23 August 2023, I table a return received on Friday 26 April 2024 from the Cabinet Office, together with an indexed list of documents.

TRANSPORT ORIENTED DEVELOPMENT PROGRAM

Return to Order

The CLERK: According to the resolution of the House of Wednesday 7 February 2024, I table a return received on Wednesday 1 May 2024, together with an indexed list of documents, identifying a document previously returned which is now subject to a claim of personal information.

MEMBER FOR NEWCASTLE

Tabling of Correspondence

The CLERK: According to the resolution of the House of Wednesday 23 August 2023, I table correspondence dated Friday 12 April 2024 to the Cabinet Office relating to a request from the Hon. Damien Tudehope regarding previous claims of privilege.

WESTINVEST PROGRAM

Variation of Order

The PRESIDENT: According to Standing Order 53, I inform the House that on Friday 22 March 2024 the Cabinet Office requested to vary the scope of the order for papers. I certified an agreement reached between

the member who moved the order, Ms Abigail Boyd, and the Cabinet Office, which was published by the Clerk. I table an agreement, certified on Thursday 28 March 2024, that varied the due date to Wednesday 24 April 2024.

The question is that the varied terms of the order be agreed to.

Motion agreed to.

CAPTAINS FLAT LEAD CONTAMINATION SITES

Variation of Order

The PRESIDENT: According to Standing Order 53, I inform the House that on Friday 22 March 2024 the Cabinet Office requested to vary the scope of the order for papers. I certified an agreement reached between the member who moved the order, Dr Amanda Cohn, and the Cabinet Office, which was published by the Clerk. I table an agreement, certified on Thursday 28 March 2024, that varied the scope of paragraph (c) of the order as follows:

- (c) all documents, created since 1 January 2017, relating to the planning and project management of private and public land at legacy mining sites and all prosed containment cells at Captains Flat, Molonglo River and Bungendore.

The question is that the varied terms of the order be agreed to.

Motion agreed to.

ALBURY HOSPITAL REDEVELOPMENT

Personal Information Redacted

The CLERK: According to Standing Order 52, I inform the House that on Friday 5 April 2024 Dr Amanda Cohn requested the production of redacted versions of certain documents returned on Wednesday 28 February 2024. The request was communicated to the Cabinet Office on Monday 8 April 2024.

I table a return received on Monday 15 April 2024 from the Cabinet Office, together with an indexed list of documents with person information that should not be made public redacted as requested.

Personal Explanation

THE HON. TAYLOR MARTIN POLITICAL PARTY MEMBERSHIP

The Hon. TAYLOR MARTIN (12:44): By leave: I wish to make a personal explanation. On the evening of Friday 20 April I received notice that I was no longer a financial member of the New South Wales division of the Liberal Party. As a result, it logically follows that I am no longer a part of the Opposition and I will continue to serve from the crossbench. I sincerely thank those familiar with the matter who reached out to express their support not only recently but over many years now.

The PRESIDENT: I table correspondence received on Wednesday 1 May 2024 from the Hon. Taylor Martin advising that his financial membership of the Liberal Party of Australia, New South Wales division, was revoked on Friday 19 April 2024 and that he is now an Independent member. The records of the House were updated accordingly on 1 May 2024.

LIBERTARIAN PARTY

The Hon. JOHN RUDDICK (12:45): By leave: I wish to make a personal explanation. The political party formerly known as the Liberal Democrats has registered a new name with the Electoral Commission. We are now known as the Libertarian Party. The name change was published in *The Sydney Morning Herald* and *The Daily Telegraph* on 27 March this year. After a 14-day notice period, the name change was officially gazetted and published in the NSW Electoral Commission register of political parties, hence this statement.

The party was formed in early 2001 by 21-year-old Treasury employee Dr John Humphreys, who was disappointed with the economic timidity of the Howard Government. We were formed as an ideological libertarian party but the term libertarian was so obscure at the time that we chose the name Liberal Democrats, which sought to promote the idea that we stood for the purist principles of the Enlightenment. We have since had the Ron Paul presidential campaign and the victory of Javier Milei in Argentina. Awareness of libertarianism has grown, so now is the right step to become the Libertarian Party.

There was a High Court challenge in 2001—in which I was the plaintiff—to defend our old name. That was a collusion between the two major parties because in 2021, at the height of the COVID hysteria, we had a number of high-profile Liberals, including former Queensland Premier Campbell Newman and Ross Cameron, join our party. So Scott Morrison said the Liberal Party is going to pass a law to ban the use of the word "liberal" in any other political party's name. The word liberal is used frequently in multiple parties' names across European

parliaments. We thought that would not get through because they needed the support of the Labor Party, which was then in Opposition, but they teamed up because they wanted to get rid of the Democratic Labour Party.

The Hon. Daniel Mookhey: We sorted that problem in the '80s.

The Hon. Damien Tudehope: It's still here, mate, don't worry about that.

The Hon. JOHN RUDDICK: I acknowledge those interjections. We have been around for a quarter of a century but it still feels as though we are in a start-up phase. We have had a colourful past. We had the Hon. Mark Latham as a member briefly. He is always welcome, if he reconsiders and would like to rejoin. I also put on the record to the Hon. Taylor Martin that he is also welcome to consider studying our platform and to join our party. I consider it likely that he has been treated unfairly by his former party and has not enjoyed due process. I wish him all the best. The recent trendline in our electoral result is positive. Regardless of what unfolds going forward, the Libertarian Party seeks to provide an undiluted voice for the virtue of small government capitalism and the maximisation of civil liberties.

The PRESIDENT: I table correspondence received on Friday 3 May 2024 from the Hon. John Ruddick advising the change of name of the Liberal Democratic Party to the Libertarian Party. The records of the House were updated accordingly on 3 May 2024.

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

Questions Without Notice

DOMESTIC AND FAMILY VIOLENCE

The Hon. DAMIEN TUDEHOPE (13:30): My question is directed to the Leader of the Government. What are the key metrics the Government will use to measure the outcomes from the \$230 million domestic violence prevention and support package announced by the Premier yesterday?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (13:30): I thank the member for his question. I think we all welcome this very important announcement of \$230 million to start the process of addressing violence against women in this State. The fact is that so far this year one woman has died almost every four days. This crisis has not happened overnight; it has been a long time coming. All of us must grapple with the challenges that need to be addressed if we are serious about keeping women safe in this State. More specifically in relation to the question, I can talk about what the package involves. There is funding for primary prevention, which we have not had before in New South Wales. If we want to get to the root of violence against women, we have to be at the primary stage.

When Rosie Batty spoke to Cabinet just last week, she made the point that we can stand at the bottom of the cliff, but unless we are stopping women falling off in the first place and getting to the real cause then all of this work is very limited. We obviously need to put funding into early intervention as well. This is about expanding specialist workers for children and young people in refuges. A key point that has been made is that if we are serious about breaking the intergenerational cycle of violence into the future, understanding what happens to children who witness and experience it is incredibly important. I note that this funding was on a cliff and was about to run out for the refuges that we have. Crisis response is also about—

The Hon. Damien Tudehope: Point of order: I am loath to interrupt, and I acknowledge the content of the material that the Minister is outlining, but the question was very specifically about what success looks like and the metrics the Minister will be using to assess the success of the program.

The PRESIDENT: The Minister will reflect on that part of the question the member asked.

The Hon. PENNY SHARPE: The metrics of success are that women are able to live safely in the community without suffering at the hands of violence. Obviously, no-one is suggesting that these programs will turn that around overnight, but we are talking about trying to turn the dial significantly on the increase in violence against women that we have seen after what I think everyone would agree has been a long period of underfunding, which we need to repair.

I can take on notice the specific metrics that will be measured, but many of the programs that are in this package already exist. They are already subject to reporting against evaluations and the measurement of their outcomes. I make the point that many of these programs were on a funding cliff but they have been extended because they are so important. The Government is working through the issues of law and order response, justice response and community response, hopefully in partnership with many members of this House and across the Parliament, to try to turn the dial. It is unacceptable that in Australia one woman is dying at the hands of male violence every four days.

INFRASTRUCTURE FUNDING

The Hon. GREG DONNELLY (13:34): My question without notice is addressed to the Treasurer. Will the Treasurer update the House on the latest developments between the Commonwealth and New South Wales with respect to infrastructure funding?

The Hon. DANIEL MOOKHEY (Treasurer) (13:35): I thank the member for his question. I am very pleased to report to the House that New South Wales has secured from the Commonwealth a return of \$1.9 billion in investment in Western Sydney transport. So I am very clear to the member, and to those who have been following this issue, the money that we have secured includes an additional \$500 million of Federal investment in the Mamre Road stage two, which adds to the \$253.6 million this Government has already put into stage one; and \$400 million of Federal investment to deliver the priority sections of the Elizabeth Drive upgrade, again building on our \$200 million investment in that area. A further \$115 million Federal Government commitment has been made with respect to Mulgoa Road stage two, as well as \$500 million for Richmond Road, Garfield Road and Memorial Avenue to support this Government's \$385 million investment.

In addition, a \$100 million Federal investment will deliver new infrastructure support bus services to the new airport and a \$20 million Federal investment will support the delivery of the final business case for stage one of the Western Sydney Freight Line. I acknowledge that this investment is a result of the very hard work that has been undertaken by a variety of people who have been involved. I acknowledge the presence and advocacy of the local members in the area. The member for Leppington, the member for Camden, the member for Liverpool, the member for Penrith and the member for Riverstone are just some who have been relentless champions for their communities. I also acknowledge the hard work of the Minister for Transport and her office, the Minister for Roads and his office, and the Deputy Premier. Dare I say, my office has played a slight role, too. Our approach has been characterised by steadfast advocacy, quiet diplomacy and technical mastery. I will leave it for others to judge who has played what role.

But there is more to do. The issue remains around the 80-20 contribution. New South Wales's position is unchanged: An 80-20 contribution is what is required and expected to continue. The Government looks forward to joining with the other States in advocating for that position. I also show this as an example of what happens when adult governments respond constructively to setbacks. I take this opportunity to acknowledge the Federal Government— [*Time expired.*]

CATHOLICCARE WILCANNIA-FORBES

The Hon. BRONNIE TAYLOR (13:38): My question is directed to the Minister for Regional New South Wales. Given the importance of the Staying Home Leaving Violence program, especially for regional women facing domestic violence, what is the Minister doing to ensure that CatholicCare Wilcannia-Forbes, which currently delivers the Staying Home Leaving Violence program in the local government areas of Forbes, Parkes, Bourke and Lachlan, will not remain barred by the Department of Communities and Justice from applying for funding to continue its very important work in these regional areas?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (13:38): I thank the member for the question. Following on from the answer that was provided by the Leader of the Government, this is a serious issue that we are grappling with. I expect the challenges that we are facing in this space to be dealt with in the most bipartisan way possible. We all care about making sure that women are safe and that these issues are being dealt with in an appropriate way. Our Government is getting on with the job of doing that. As part of our funding program, we have expanded additional resources in relation to the specific program that the member asked about—funding for regional communities—which otherwise was not available. That is a significant increase in assistance for people experiencing these issues of domestic and family violence across regional New South Wales.

The Hon. Bronnie Taylor: Point of order: I genuinely thank the Minister for her response so far, but the question was specific. I acknowledge what she said in the beginning of her answer about the funding and the extension of that program, but my question was specifically about CatholicCare Wilcannia-Forbes. What is she doing about the fact that it is no longer able to receive any funding?

The Hon. Emily Suvaal: Point of order: Interjections are disorderly at all times. I could not hear what the Minister was saying because of the interjections from the other side.

The PRESIDENT: There are two points of order. I uphold the second point of order: Interjections are disorderly, but responding to them is also disorderly. Perhaps some members on the Hon. Emily Suvaal's side of the Chamber could have a look at that ruling. I uphold the more substantive point of order taken by the Hon. Bronnie Taylor. It was a very narrow question. The Minister was being directly relevant about the program

in getting to the point about CatholicCare Wilcannia-Forbes. If the Minister would like to take the question on notice, she is welcome to. It is a specific question.

The Hon. TARA MORIARTY: I will continue from where I was, and I understand the specific nature of the question. The advice that I have is that a confidential tender process is underway. I will engage with my colleague the Minister for Women on the specifics of this matter and come back to the House with any specific details. I also advise the House that I have engaged with the Minister for Women on this issue, as I know a number of my colleagues have, to make sure that areas of higher need are getting the attention they deserve from inside of our Government. I met with the Minister for Women yesterday to discuss how we can continue to work together to deal with these issues across our regions, where we know there is a significant issue with women facing these circumstances.

There are also additional challenges in our regional communities for people to receive the support that they need to get out of the circumstances that they might be in and to address these issues in more isolated communities. The Government is taking that very seriously. As I said at the start, we have expanded funding as part of this package into local government areas that were not eligible for the funding before now. That is an important announcement that has been made by the Government. We are dealing with the gaps in many of our regional communities, to make sure that funding and resources are available where women need them.

The Hon. BRONNIE TAYLOR (13:43): I ask a supplementary question. The Minister alluded to the fact that she had met with the Minister for Women to discuss these particular issues in terms of funding. Did she raise with the Minister for Women yesterday the issue of CatholicCare Wilcannia-Forbes and the fact that they have been denied funding to continue their service?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (13:43): I thank the member for the supplementary question. What I said was that I met with the Minister for Women yesterday to discuss this issue more broadly on behalf of regional communities around New South Wales. I will continue to do that. This is an issue that our Government is taking incredibly seriously. There should not be politics being played with this topic.

The PRESIDENT: Order!

The Hon. TARA MORIARTY: Yesterday the Premier and the relevant Ministers announced a significant package of additional support. As I said to the House, I have engaged with the Minister for Women about these types of support that are needed across our regional communities that have particular challenges to face in this regard. I will continue to advocate for the regions inside the Government.

STATE BUDGET AND DOMESTIC AND FAMILY VIOLENCE

Ms ABIGAIL BOYD (13:44): My question is directed to the Treasurer. The Greens, along with the domestic and family violence sector, have for years been calling for a specific and clear line item in the New South Wales budget to allow us to track spending on domestic and family violence prevention and response. Advocates and experts are currently unable to clearly delineate exactly how much the New South Wales Government is spending on these targeted strategies year on year. Will the Treasurer commit to finally having such a line item in the 2024-25 budget so that we can decipher whether announced funding is genuinely new funding or simply repackaging and repurposing of existing and previously announced funds?

The Hon. DANIEL MOOKHEY (Treasurer) (13:45): I thank the member for her question and acknowledge her many years of advocacy in this respect. At first instance, the concerns that the member and the sector have about the absence of budget transparency in this regard is precisely the reason why the Minister for Finance is leading work on the development of an outcome and wellbeing budget measure. Members will see in this budget the next step towards the development of that framework. We took the decision last year to redesign *Budget Paper No. 02* to respond to the concern that there is multiple funding across multiple areas and multiple programs that are disbursed and reported across a variety of budget line items, which makes it difficult for readers of the budget papers to properly understand what information is present.

I also say to the member and to the people in the sector who have an interest in this matter that we do not expect that work to be concluded in this budget. We are embarking upon a public review process to allow them to have a say in how such a process should be designed. We will be respectful and listen to them as we develop that. We want to adopt the principles of wellbeing budgeting, which I know the member has been campaigning for over a few years.

The second issue that the member draws attention to is the inability for people to understand precisely how much is in the budget and has been in the budget. I can provide some further information and assistance to the House. In the 2021-22 budget, I am advised that the allocation for domestic violence was \$176.17 million. In the

2022-23 budget, which keen observers would be aware was the last budget of the previous Government, that allocation was \$248.15 million. In the 2023-24 budget, which keen observers would be aware was the first budget of this Government, that rose from \$248.15 million to \$453.61 million.

There are two reasons why it rose so much. The first was Labor went to the election and promised to spend an additional \$100 million, and we put that in the budget. The second issue is that a variety of programs were left on a fiscal cliff—which the Leader of the Government has already referred to—and we took them off that cliff. Just so people understand precisely what was left unfunded, the one that gets me was the \$6.1 million to extend and expand the Women's Domestic Violence Court Advocacy Service. That funding was due to expire. We put more money into it. Yesterday, for what it is worth, we expanded it even further. [*Time expired.*]

Ms ABIGAIL BOYD (13:48): I ask a supplementary question. I thank the Treasurer for his initial response. I ask for some elaboration. The question was whether we would be able to see it in the 2024-25 budget. I understand that there is a process, that wellbeing budget indicators are being developed and all of that. Will we be able to see clearly, year on year, a particular line item in this budget or a particular statement that tells us how much funding there will be for the domestic and family violence sector? In addition, could the Treasurer clarify whether the 400-and-something million mentioned includes matters that the sector would not consider to be specific to domestic and family violence, such as, for example, women's health centre funding?

The Hon. DANIEL MOOKHEY (Treasurer) (13:49): Firstly, in response to the first question, I refer the member back to my substantial answer, which is that we are in the process of developing and updating the wellbeing framework. I do not expect that to be completed by this budget. In fact, our target is to have it operating by budget number three after we undertake detailed consultation with a variety of people who have a direct interest in this matter, as they have asked us to do. Secondly, if there is a capacity for us in the interim to provide a more precise and concise statement, then I will certainly consider that as we go about producing the budget papers. We are still producing the budget. Let us work through that process. I understand the point made by the member and we will take it seriously. Thirdly, in regard to whether this includes funding for women's health centres, I point out that in our first budget we increased women's health centre funding by \$30 million. That was the first increase to that funding since 1988. I will come back to the member as to whether the funding is included in that figure.

The Hon. MARK LATHAM (13:50): I ask a second supplementary question. Given the exponential increase in domestic violence funding in New South Wales over the past decade, why has the problem got worse?

The Hon. DANIEL MOOKHEY (Treasurer) (13:50): That is a terrific question. The short answer is that the increase in male violence towards women is reflective of the fact that we are witnessing a rise in misogyny across New South Wales, just as we are across Australia. There is some pretty intense debate about whether the cases are increasing or just more visible. When we witness some of the things that we see on social media and some of the things that we saw yesterday in some schools, we should not be under any illusion about the magnitude of the problem we are facing.

Equally, the member questions why the funding is going up exponentially. Others have pointed out that back in 2014 Victoria made a decision to make decisive interventions in this area. At the same time, New South Wales did not. As a consequence of that, we have lost a decade. As a consequence of that, we are playing catch-up; we acknowledge it. Just yesterday, the Premier was right to apologise and, let us be honest, we all should. We have watched other States, including Victoria and Queensland, do a better job in the past 10 years.

Members might be interested to know that, as a result of the Victorian Government interventions, the incidence of domestic violence as a part of its population went down to 2.8 while ours went up to 3.4. They are correlated. Whilst I well and truly accept the fact that the previous Government is entitled to defend its record, it should have spent all of the funding. It should be explaining why it is the case that we watched other States of both political persuasions make different decisions and this State was left behind. We are playing catch-up. We acknowledge that. We apologise for the fact that it has been like this. We need to get back to a position where we recognise that this now needs an urgent response. This Government is acting.

The PRESIDENT: I welcome to the Parliament students from Bankstown Senior College who are participating in the Legal Studies and the Legislature program conducted by the Parliamentary Education and Engagement team. They are all very welcome in the Chamber today.

DOMESTIC AND FAMILY VIOLENCE

The Hon. EMILY SUVAAL (13:53): My question without notice is addressed to the Minister for Water, representing the Minister for the Prevention of Domestic Violence and Sexual Assault. Will the Minister update the House on how the first primary prevention strategy in New South Wales will enhance the New South Wales Government's response to domestic and family violence?

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) (13:53): I thank the honourable member for that question. It is a pleasure to provide more information to the House about just one of the elements of the Government's response to male violence against women that we released yesterday, and that is the first primary prevention strategy in New South Wales. Many items included in the \$230 million of emergency funding that was announced yesterday are overdue, and it is pleasing to see the Government acting on them. The funding for frontline services, which has already been the subject of some discussion, will allow every woman in New South Wales to access Staying Home Leaving Violence, as opposed to the previous arrangements where women had to live in designated local government areas to have access to that life-saving program.

Additional funding was also allocated to the Integrated Domestic and Family Violence Services program, which is another incredibly important piece of work delivered by frontline workers. The \$38 million for the primary prevention strategy really gets to the heart of the comments the Treasurer just made. It is fantastic to see male champions standing up and calling out toxic masculinity as a root cause of male violence against women. I thank the Treasurer for doing that.

Primary prevention takes time. We are talking about generational change in the way that relationships between men and women are conducted in our society. But we cannot just assume that, with the passage of time, things will inevitably get better. Unfortunately, in this instance, that has been demonstrated to not be the case. We have to be serious, we have to have a plan and we have to have a strategy, and now the Government is going to have one. But it is not enough to just have a strategy and a plan; we have to put dollars behind it. Again, we have done that. We have allocated \$38 million to a primary prevention strategy and to fund the initiatives that are co-developed with people with lived experience, educators and young people to change those minds and dynamics at a young age.

The primary prevention strategy includes things like expanding and reviewing what is taught in our schools. I give credit to the former Government for the work that it did on the Make No Doubt consent campaign. That was really important, but we need to go further. It is not just about consent education; it is about relationships, harassment and an acceptable way to talk to people. We need to go further with what is taught in our schools, because parents are the first teachers. We need to provide tools to parents so they can engage with these issues with their children as well. Those are just some of the elements that are included in the primary prevention strategy. It is a comprehensive strategy that has numerous touchpoints amongst the lives of young people. We hope that the politicians who follow us in the generations to come will have different conversations about this issue because of the work of this strategy.

POINT OF CONSUMPTION TAX

The Hon. JEREMY BUCKINGHAM (13:57): My question without notice is directed to the Treasurer. Since 1 January 2019 the Government has been collecting a point of consumption tax, which is a 10 per cent tax on all online wagers placed by New South Wales residents. In 2021 the point of consumption tax raised \$161.6 million in revenue. In March 2024 the Minister for Finance stated in budget estimates that revenue from the tax was forecast to be \$975 million over the next three years to 2026-27—approximately \$300 million per annum. Will the Treasurer indicate whether the Government is considering apportioning part of this significant and growing revenue stream to mental health services in New South Wales?

The Hon. DANIEL MOOKHEY (Treasurer) (13:57): I thank the member for his question. He is quite right to say that New South Wales now levies the point of consumption tax on online gaming as well. Yes, that goes into our consolidated fund and, yes, some of that is spent on mental health. There is a connection and a nexus there. In respect to his question as to whether the Government is intending to, in effect, hypothecate that, it is fair to say that we are not hypothecating taxes when it comes to this issue or other issues that are from time to time suggested.

Insofar as there is a requirement to do so, this Government has made additional investments in mental health. We have, for example, put aside \$383 million, continuing on from some of the work that we inherited, to be fair, as part of the National Mental Health and Suicide Prevention Agreement. In addition to that, we have put aside \$24.9 million over four years to continue specialist mental health disaster clinics across disaster-affected communities. Of course, there is also \$143.4 million over four years from 2022-23 for the Towards Zero Suicides initiative. In addition to that, as I previously mentioned to the House, in our first budget we expanded the Lifeline service. I make this point simply to say that we face a big challenge with mental health. It requires a serious allocation of resources. This Government is underway in some of the work that it has to do.

If the member is asking me—which I suspect he is—whether there is more coming, in respect of the funding requirements that we are hoping to resolve, which will provide us a better position to make decisions around investments, I have to be honest that a lot of it turns on the outcomes of the conversations that we are

having with the Commonwealth right now about the health agreement. We are right now having some robust conversations with the Commonwealth about the need for the Commonwealth to provide investment in primary health for mental health. The Federal Government has begun that, which is helpful, but, of course, we want to see a bit more proactive involvement from the Commonwealth in that respect.

The reason is that it is better to treat people with mental health earlier in the treatment cycle than to allow such a crisis to continue for that individual and for the community and for their family. Primary health intervention is absolutely vital. I have to say, it is pleasing that the Commonwealth is at least at the table with us and talking about that. The second aspect is that the national health agreement is currently subject to negotiation, but it will determine our funding base for the next five years. It needs to be resolved in a manner that sees New South Wales get its fair share of hospital funding. We want the Commonwealth to be at the table, making a contribution to our hospitals. That would put us in a better position to make investments in mental health and other health needs.

The Hon. JEREMY BUCKINGHAM (14:00): I ask a supplementary question. Will the Treasurer elucidate his answer where he spoke about how the Government does not hypothecate taxes? Is he aware that in 2023-24 the point of consumption tax hypothecates \$90 million to Racing NSW, Harness Racing NSW and Greyhound Racing NSW? Is that appropriate? Would that money not be better spent on problem gambling initiatives and mental health services in this State?

The Hon. DANIEL MOOKHEY (Treasurer) (14:01): I am not aware of that because that is actually not true. The member is confusing the racing distribution agreement and point of consumption tax [POCT]. They are two separate arrangements. What the member spoke about in his question is the racing distribution agreement, which I believe was entered into by the previous Government circa 2015—but I could be wrong. That is the condition upon which Tabcorp was granted a monopoly to run retail wagering on racing industries in exchange for it, effectively, funding the racing industry. That arrangement has historically prevailed in New South Wales, going back decades. Therefore, it is not part of the POCT.

Having said that, other States have introduced reforms to replace their racing distribution agreements with POCT funding to ensure that the racing industry is in a position to compete and thrive. States like Queensland and Victoria have completed such reforms. Of course, interesting proposals are always being given to the New South Wales Government, as well, about such matters. As a matter of fact, currently POCT money is not hypothecated in the manner that the member has suggested.

DOMESTIC AND FAMILY VIOLENCE

The Hon. NATALIE WARD (14:03): My question is directed to the Minister for Housing, representing the Minister for the Prevention of Domestic Violence and Sexual Assault. Why have only five of the 118 extra domestic violence workers, which the Commonwealth has already funded and the Minns Government committed to deliver by 30 June 2024, been recruited to date?

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (14:03): I thank the honourable member for the question. It is a valid question because we, as we have acknowledged, recognise that there is more work to do to support women who are victims of male violence in New South Wales, and these specialist workers are an important part of that. I am advised that the reason that only five have been appointed to date is that the department undertook a really rigorous analysis of where they can best be used. Unfortunately, there is a lot of demand. Demand for these workers is very high. That is because, as we have already alluded to, this issue is incredibly prevalent in our community. When we have high demand for these services and these workers in our community, we want to make sure that they will have the best impact when they are delivered.

I am advised that the work of analysing where these workers will be best used to support women was done in deep consultation with the sector and that a range of grassroots and peak bodies were involved in the conversations about where these workers would best be utilised. That work did take a bit of time. That deep, comprehensive and rigorous consultation has meant that at present we are about to finalise the contracts for those workers. By June this year, we will have contracts in place for all of those workers. The difficult decisions about where they can best be utilised have been made and are being finalised now, and contracts will be available very, very soon—by June this year—so recruitment can begin.

The Hon. Sam Faraway: That's a year!

The Hon. ROSE JACKSON: I am trying to give information. I will not stand here answering a question on this issue, which I have acknowledged is valid, and be heckled by you—a bloke—across the Chamber. Can you just be quiet while I am trying to answer.

The PRESIDENT: Order!

The Hon. ROSE JACKSON: The consultation that was undertaken by the department is now being finalised to determine where those workers can best be used. Contracts will be in place by June this year and recruitment can then begin. Of course, it is frustrating that those workers are not available now. They were needed yesterday; they were needed a year ago; they were needed five years ago. When demand is high and we need to make difficult decisions about where to best place these resources, that deep consultation is necessary.

The Hon. NATALIE WARD (14:06): I ask a supplementary question. I thank the Minister for her answer and for her valiant attempt to provide information. I accept that this is bipartisan. Nonetheless, I think that the Minister would welcome an opportunity to elucidate that part of her answer relating to the specialist workers, how they can best be used and how those contracts will be in place. How is it that those workers will have best impact if they are not there to have any impact in any area? How will the Minister get 114 workers' contracts in place by June, as she has indicated will occur?

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (14:07): I thank the member for the supplementary question. As I said, I accept that it is a valid question. Scrutiny on this issue is entirely warranted because it is frustrating when we know that there is so much demand. We have talked openly about the fact that there are gaps in service provision and that we do not have every single element of support that we can have in place. As I said, I have no problem providing the information that I have.

To be clear, I am advised that what will be in place by June are the contracts for the recruitment of these workers. It is not fair to say that all of the workers will be recruited by June. Contracts with partner agencies will be delivered to provide for the recruitment of these workers. I am advised that the finalisation of those contracts is imminent and will be done by June. It is frustrating that it has taken this long, but the significant consultation that was undertaken to ensure the highest impact of these valuable support workers will give us confidence that they will deliver services where they are most needed when those contracts are finalised and that recruitment can begin.

I am also happy to inform the member that the nature of those contracts will vary slightly. There will be some direct contracting with Aboriginal organisations and Aboriginal community controlled organisations. There will be some tender processing as well. It is going to vary depending on the nature of the service provision. But, again, that is done because circumstances and service provision are different across the State. Getting that detail right and finalising it takes a little time. Time in all of these issues is— [*Time expired.*]

RENEWABLE ENERGY

The Hon. ANTHONY D'ADAM (14:09): My question without notice is addressed to the Minister for Climate Change, and Minister for Energy. Will the Minister outline how the Government is partnering with the Commonwealth to deliver more renewable energy for New South Wales?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (14:09): I thank the member for his question. New South Wales is leading the country in the transition, which is partly the result of a range of good activity that has occurred. We are implementing the New South Wales Electricity Infrastructure Roadmap, which was supported across the Parliament and continues to be so. We are one of the lucky jurisdictions where bipartisan support for the need for that change is strong and enduring. Supporting renewable energy and storage projects to provide reliable, low-cost energy to New South Wales households and businesses is essential for the future of not just the planet but also the health of our economy into the future.

I am pleased to be able to work with a Federal government that is willing to partner and to actually put support in place where we need it. I am pleased to advise the House that the New South Wales Government has now reached an agreement that will see at least 2.2 gigawatts of renewable energy supported in New South Wales through the Commonwealth's first national Capacity Investment Scheme tender. The tender is due to commence this month. New South Wales will receive one-third of the six gigawatts to be supported through the tender. The projects will deliver enough power for over one million households in the State. It will be New South Wales' biggest tender round for generation projects yet, again accelerating the delivery of the road map and the decarbonisation of our energy system. The energy transition is not happening in the future; it is happening right now. We are already about halfway to meeting our generation target under the road map and a quarter of the way to meeting our storage target.

The agreement is a big win for consumers, placing downward pressure on power prices by delivering more of the low-cost, reliable energy New South Wales homes and businesses will need. It also builds on the successful pilot of the Capacity Investment Scheme tender that was conducted in 2023 in partnership with the Federal Government. The pilot Capacity Investment Scheme tender is delivering six battery and virtual power plant

projects capable of dispatching more than one gigawatt of capacity into the New South Wales grid at short notice—equivalent to around 8 per cent of the State's summer peak demand in 2022-23. Those projects represent over \$1.8 billion in energy infrastructure and will create over 400 jobs. This is what it looks like to have a Federal government and a State government that not only believe that action on climate change is important and urgent but also are able to work together to deliver that for the people of New South Wales.

COVID-19 AND HOSPITAL PRECAUTIONS

Dr AMANDA COHN (14:12): My question is directed to the Minister for Finance, representing the Minister for Health. This week the ABC reported data obtained under freedom of information showing that in Victoria, on average, six people have died per week from COVID infections that they caught in hospital since 2022, when infection prevention measures were scaled back and public health orders were revoked. NSW Health says that its strategies to manage and prevent infection are responsive, but data regarding hospital-acquired COVID infection is not even aggregated at a State level. Nobody is advocating for broad or restrictive measures like lockdowns, but hospitals are a specific setting where patients are already sick and extremely vulnerable to infection. Will the Government introduce N95 or P2 mask-wearing in clinical areas in hospitals or, at a minimum, collect statewide data on hospital-acquired infections in New South Wales hospitals?

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (14:13): I thank the member for her important question on how we are managing COVID in our hospitals. I am answering it in my capacity representing the Minister for Health in the other place. I again commend him for his excellent work in this somewhat challenging space. I am advised that the Clinical Excellence Commission, as the lead agency for infection prevention and control and healthcare-associated infection, provides comprehensive policies, guidelines and resources to support NSW Health. Implementation of infection prevention and control is supported by globally acceptable practices and frameworks adopting standard and transmission-based precautions.

Standard precautions are applied equally to all patients, assessing risk of infection transmission and acquisition. Additional guidance for vulnerable groups is provided in the *Infection Prevention and Control Practice Handbook*, including enhanced strategies and protective precautions. NSW Health has moved from an emergency response in managing COVID-19, in keeping with the management of all other transmissible or contagious infections. NSW Health organisations are recommended to implement the NSW Infection Prevention and Control Response and Escalation Framework as part of their ongoing management of COVID-19 and other acute respiratory infections. The foundational level of the framework provides core infection prevention and control measures for protecting patients, staff and visitors, and for protecting and managing acute respiratory infections, including COVID-19. Foundational level underpins all the alert levels used during the pandemic. But staff are no longer required to universally wear masks in all clinical and patient-facing areas, and have moved to a risk assessment application.

Infection prevention and control strategies are well embedded in our health system, shifting away from the mandatory and universal application to a risk management approach. Masks are required in line with the following: as standard precautions when risk of exposure to blood and body substances is anticipated, and as transmission-based precautions. Patients who come to hospital with an acute respiratory infection or suspected or confirmed COVID-19 are still required to be isolated and wear masks. P2 or N95 respirators are to be worn by staff when caring for patients with COVID-19 or other airborne pathogens, and surgical masks are to be worn when caring for patients with other acute respiratory infections, as dictated by known modes of transmission. Patients considered vulnerable are provided with additional information on risk mitigation strategies. Noncompliant health workers, including those with exemptions for influenza or COVID-19 vaccinations, are required to wear a surgical mask at a minimum while in the health facility.

DOMESTIC AND FAMILY VIOLENCE

The Hon. SUSAN CARTER (14:16): My question is directed to the Minister for Housing, representing the Minister for the Prevention of Domestic Violence and Sexual Assault. It has now been one year since the High Court of Australia found that, under New South Wales law, a man who kicks down the door of his former partner's home is not committing trespass if his name is still on the lease. Having refused to support an Opposition bill to remedy the defect, when will the Labor Government finally act to protect women from this particular risk of domestic violence? Do we have to wait for another woman to die?

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (14:17): I am just so sad that that question was asked in that way. My colleagues and I—and many members on the other side of the Chamber—have been really trying to approach this issue in a way that does not go down that path. I will provide

the information that the member has requested. It is a valid question. There is no sense in the Chamber that there are questions that do not need to be answered. But to ask the question in that way shows an instinct—

The Hon. Natasha Maclaren-Jones: Point of order: The Minister should not be reflecting on the question; she should be answering the question.

The Hon. Courtney Houssos: To the point of order: The Minister is well within her rights in answering the question to reflect on the question itself. She found a specific part of the question deeply offensive and she was responding to that part. She was not reflecting on the question in the way that the point of order suggested. She was being directly relevant.

The Hon. Natalie Ward: To the point of order: The Minister was reflecting on the way in which she asserts the question was asked. The question was specifically about a particular program and a particular response. The Minister was not endeavouring to answer the question asked but was reflecting on the way in which it was asked. Mr President, I ask that you draw her back to the leave of the question.

The PRESIDENT: Every member knows that the people of New South Wales, particularly in Sydney and particularly women, have gone through the most extraordinarily difficult two or three weeks. Some of that tension will necessarily come out in the Chamber. While it is appropriate that ideas are contested, it is also important that we think about what we say and how we say it. In this case, the Minister has said that she will answer the specifics of the question. I invite her to now do so.

The Hon. ROSE JACKSON: Mr President, I completely accept your ruling. The question was about the High Court finding in relation to the Residential Tenancies Act. To be clear, it is still a breach of an apprehended domestic violence order [ADVO] if a perpetrator enters a premise that he is not allowed to enter.

The Hon. Susan Carter: Point of order: My point of order goes to relevance. My question is not about ADVOS; it is about the impact of *BA v The King*, which deals with the Crimes Act and the law of trespass, not the Residential Tenancies Act.

The Hon. Penny Sharpe: To the point of order: The Minister was being directly relevant, but she was interrupted during her answer. All members have very strong feelings about this subject. No-one owns the strong feelings. All of us are unhappy. All of us want to do what we can. Members are entitled to ask questions, but the Minister was being directly relevant. Everyone needs to take a deep breath.

The PRESIDENT: The Minister will continue. Hopefully the concerns of the Hon. Susan Carter will be addressed.

The Hon. ROSE JACKSON: I was simply trying to make the point that whilst I appreciate that the nature of that High Court finding related to the law of trespass, of course, it is still a breach of an ADVO to enter a premise that one is prohibited from entering as a result of that apprehended domestic violence order. However, the finding of the High Court is being considered by NSW Fair Trading along with a range of measures in relation to the operation of the Residential Tenancies Act for victims of domestic violence. This is one area that is under consideration but, unfortunately, the Act is not up to date and does not reflect many of the current experiences and dynamics in the residential tenancies market.

The Government has committed to making a range of other amendments to the Act. There are a range of deficiencies in relation to the way that women who are victims of domestic violence can operate in a tenancy arrangement. The member rightly identified one as a result of a High Court judgement. My advice is that the NSW Fair Trading review of the Act will be completed by the end of the year. A range of amendments to the Act may be needed to better protect women who are victims of domestic violence. I welcome that.

The Hon. Damien Tudehope: Point of order: I am not sure if the Minister understands the decision. This is an amendment to the Crimes Act.

The Hon. Courtney Houssos: Point of order—

The PRESIDENT: Order! I will hear the point of order of the Hon. Damien Tudehope.

The Hon. Damien Tudehope: Members are talking about an amendment to the Crimes Act. I am absolutely cognisant of the fact that—

The Hon. John Graham: That's not a point of order.

The Hon. Damien Tudehope: The Minister is not being relevant to the question. The question was about a specific decision of the High Court which 12 months ago encouraged the New South Wales Government to make an amendment to the Crimes Act. The Minister should be addressing that.

The PRESIDENT: So that the Hon. Courtney Houssos does not need to take a point of order, I say very strongly that the first words from the Hon. Damien Tudehope were not helpful in taking his point of order. There is no point of order. The Minister has the call.

The Hon. ROSE JACKSON: I do understand. The issue is that it is because of the perpetrator's status on the lease that he is not guilty of trespass. The issue in relation to the Residential Tenancies Act and the status of a perpetrator on a lease is critically linked to whether or not women who are victims of domestic violence are well protected in tenancy environments. That is why the review is being conducted in this way. I say briefly that the Government did not support the proposition of the shadow Attorney General because it had not been conceived with any engagement from the sector and, in fact, had the potential to prevent women who were victims of violence re-entering the property from which they had been excluded. [*Time expired.*]

The Hon. Susan Carter: I was going to take a point of order about the mischaracterisation of the shadow Attorney General's proposal.

The PRESIDENT: The Minister has concluded her answer. I call the Hon. Stephen Lawrence.

DEPARTMENT OF PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT

The Hon. STEPHEN LAWRENCE (14:24): My question without notice is addressed to the Minister for Regional New South Wales. Will the Minister update the House on how the new Department of Primary Industries and Regional Development will better support primary producers and investments for the people of regional New South Wales?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (14:24): I thank the member for that very good question. I am delighted to announce that from 1 July this year the Department of Regional NSW will become the Department of Primary Industries and Regional Development. The people of New South Wales voted for change, and they are getting it. This new department will be refocused—

The Hon. Penny Sharpe: Point of order: The Minister is trying to answer the question and she is being consistently yelled at from across the Chamber. I cannot hear what she is saying and I am sitting 1½ metres away from her. I ask that Opposition members be instructed to cease interjecting.

The PRESIDENT: I uphold the point of order. Order! I will wait until the Hon. Mark Latham and the Hon. Scott Farlow have finished. We can wait until the end of question time if we need to.

The Hon. Mark Latham: No, you go ahead.

The PRESIDENT: Thank you very much. I uphold the point of order. There are too many interjections. The Minister has the call.

The Hon. TARA MORIARTY: The new name of the department reflects some of the objectives of the Government in dealing with the opportunities for regional New South Wales—and in a much better way than it has experienced over the past 12 years—by focusing on growing our primary industries and supporting regional economic development. This focused approach will deliver long-term benefits to regional communities and reflect my priorities to support, develop and protect our regions. The new department will be led—

The Hon. Penny Sharpe: Point of order: I have heard five interjections from the Deputy Leader of The Nationals and two from the National Party Whip. I ask that they be called to order.

The Hon. Wes Fang: Point of order—

The PRESIDENT: I will rule on the point of order and then the Hon. Wes Fang may take a point of order. There is no point of order. I have sympathy with the point made by the Hon. Penny Sharpe. However, the level of interjections was significantly lower than it was initially, and I remember that during the last Parliament a significant wall of noise came from the former Opposition. On this occasion, Opposition members were restraining themselves. I encourage them to exercise even further restraint.

The Hon. Wes Fang: The Leader of the Government, in taking her point of order, gestured across the Chamber towards me as I was sitting quietly. She should well and truly know that all comments must be directed through the Chair. I ask that she be called to order.

The PRESIDENT: I make two points: The member is right that all comments should be directed through the Chair; however, the member was wrong when he said that he had been sitting quietly. I also noted the two interjections he made. The Minister has the call.

The Hon. TARA MORIARTY: Members should tune in. This is fantastic news for regional New South Wales and our primary industries sector. The National Party does not like good news, but the people of regional New South Wales love this announcement and they are going to love this new department. There is so much excitement about what is happening in regional New South Wales and about the investment in our primary industries and regional development across the State. The department will be led by a new secretary, Steve Orr, who lives and breathes our regional communities, is based in regional New South Wales and is well known to people across the sector from his most recent position running Local Land Services in the department. He has also worked in—

The PRESIDENT: The Minister will resume her seat. I am looking directly at the Hon. Sam Farraway. Staring into the middle distance is not going to help him. We have 27 seconds left for this answer. I think we have all done very well. No-one has been called to order. Let us see if we can get through the final minute without anyone being called to order. The Minister has the call.

The Hon. TARA MORIARTY: He has also dealt with regional development, regional economic development and bushfire recovery programs in other parts of government, which makes him well able to be the secretary of this new department and deliver the Government's agenda for regional communities. Communities across regional New South Wales are very excited about this change. I have had overwhelmingly great feedback. Our primary industries sector is champing at the bit to develop its industry further. [*Time expired.*]

WALGETT WATER SUPPLY

Ms CATE FAEHRMANN (14:30): My question is directed to the Minister for Water. In May last year the Minister described the Walgett water supply as unpalatable and undrinkable, and she gave the community a commitment that she would switch it over to treated river water as soon as she could. However, during a recent visit I was told that the water from the Namoi River is too dirty to be treated through the treatment plant, meaning Walgett's drinking water is still sourced from bore water, which is extremely high in sodium. The Dharriwaa Elders Group has installed one small reverse osmosis unit to purify bore water with no support from the Government. However, some people have no choice but to still drink the unhealthy untreated water. What is the Minister doing to ensure that the Namoi River is once again able to provide drinking water to the residents of Walgett?

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (14:31): I thank the member for her question. We are doing two things. I do not agree with the assertion that the water in the Namoi River is too dirty to be treated by the water treatment plant. It is water that has water quality issues. However, properly operated, the water treatment plant in Walgett has been able to treat that water to a drinkable standard. We have been supporting Walgett Shire Council to continue to try to have the staff needed to operate that water treatment plant at the level that is required, and it has been on and off over time.

There are issues with the operation of the water treatment plant, but it is capable of treating water from the river source to drinking water standards. I continue to say to Walgett Shire Council, which is the local water utility, that it is my expectation that it is operating the plant that it has. We will support it to have the staff needed to do that but, ultimately, as the local water utility, it is the council's responsibility. I think the parliamentary inquiry that the Hon. Stephen Lawrence chaired, which had a range of findings in relation to local water utilities and some of their challenges, speaks to some of the issues that we are seeing in Walgett.

There is a reverse osmosis plant at the water treatment plant, which was delivered by the New South Wales Government. That reverse osmosis plant has not been fully operated by Walgett Shire Council because of staff issues and skill gaps amongst the staff that Walgett Shire Council is able to obtain. That is very frustrating. I know the Dharriwaa Elders Group and I know that they installed a small mobile plant in Walgett. We have funded a reverse osmosis treatment facility at the water treatment plant; it just does not run at full capacity because of the same staff issues. We continue to work with Walgett Shire Council to try to resolve that.

Having said all of that, the member is right: There are substantial water quality issues across the Namoi River and other rivers in the northern basin. The fundamental piece of work that we are doing to address those challenges is working with the Connectivity Expert Panel. That panel's work is fundamentally motivated to address why it is that, even in times of abundant water supply, we have quality issues in rivers across the northern basin and in the Menindee Lakes. I accept the premise that there is a challenge and the independent expert panel is well advanced in its work addressing that systemically.

The Hon. PENNY SHARPE: The time for questions has expired. I know members are sad, but we will come back and do it again tomorrow and the day after that, and we have three days next week. We have plenty of questions. If members have further questions I suggest that they place them on notice.

STATE BUDGET AND DOMESTIC AND FAMILY VIOLENCE

The Hon. DANIEL MOOKHEY (Treasurer) (14:34): I provide some further detail in respect of the questions that were asked of me by Ms Abigail Boyd and the Hon. Mark Latham. In the course of my answers I may have inadvertently not properly reflected the Victorian Government's record in this respect. I can advise the House that, instead of a 3.8 to 2.8 per cent reduction in domestic violence prevalence rates over the past decade, Victoria has had its rate fall from 3.8 to 2.1 per cent, which is a 45 per cent reduction. Queensland has also experienced a 38 per cent reduction over a similar period and its prevalence rate is 2.6 per cent. I am advised that in New South Wales our prevalence rate is 3.4 per cent.

*Supplementary Questions for Written Answers***STATE BUDGET AND DOMESTIC AND FAMILY VIOLENCE**

The Hon. DAMIEN TUDEHOPE (14:35): My supplementary question for written answer is directed to the Leader of the Government. For each of the components of the \$230 million domestic violence prevention and support package, what are the key metrics that will be used to measure whether, and to what extent, the funding for that component is improving women's safety and reducing domestic violence? Will those metrics elucidate whether or not the program is effective?

DOMESTIC AND FAMILY VIOLENCE

The Hon. MARK LATHAM (14:36): My supplementary question for written answer is directed to the Treasurer. Why is the Treasurer funding domestic violence programs as a public health primary prevention measure when the evidence shows that this approach has failed in Australia since it was first adopted by the Gillard Government in 2011 and also failed internationally, especially in the European Union? Does the Treasurer accept that by far the best predictor of a domestic violence perpetrator is someone previously convicted of this crime—a clear law and order issue? Why does the Government not protect the women of New South Wales by keeping domestic violence perpetrators out of the community with much tougher penalties, refusing bail and lifting incarceration rates for those criminals, instead of spending exponentially more money on a strategy that does not work?

*Questions Without Notice: Take Note***TAKE NOTE OF ANSWERS TO QUESTIONS**

The Hon. BRONNIE TAYLOR: I move:

That the House take note of answers to questions.

CATHOLICARE WILCANNIA-FORBES**DEPARTMENT OF PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT**

The Hon. BRONNIE TAYLOR (14:37): I take note of answers given today by a number of Ministers—our first time back in five weeks because we have such a reduced sitting calendar. Services have been denied access to much-needed domestic violence workers. CatholicCare Wilcannia-Forbes is unable to secure any funding at all to have support workers in its service and that is risking the service being shut down. The Opposition's job is to raise these issues and that is exactly what we have done. We raised the issue today with the Minister for Regional New South Wales. I appreciate that she will take some detail on notice, but it is obvious that she has not raised the issue and, quite frankly, she probably is not aware of it.

Minister Jackson made a valiant attempt to defend her comments in some of the answers that she gave. But this is ridiculous; it can be fixed right now. Funding is available for workers who are able to work in Forbes-Wilcannia and for CatholicCare to continue the incredible job it is doing. After what just happened to a young woman in Forbes, why would the Government not just fix this when it has the money to do so? It is inconceivable why this problem has arisen and why it has not been fixed following letters to the Minister. This issue should have been sorted out after the organisation wrote to the Minister and said it was a problem. It would be hard if the Government had to find extra funding, but that funding is available and those opposite have not fixed the problem. It is appalling for those women, their families and those who care about them. Please, just fix it. I agree that we want a bipartisan approach, but I sometimes find it hard to listen to call-outs about misogyny from other sides of the Chamber when I know some of the treatment that has occurred in this place that people have chosen not to step up on.

I also take note of the comments by the Minister for Regional New South Wales. Dear oh dear! To say that the people of regional New South Wales are happy that the department is being absolutely gutted and that there will be no more grants programs is condescending at best and cruel at worst. The Minister needs to stand up and admit that she is cutting all of those positions from the Department of Regional NSW, which is a good department

that has done great work. She needs to have the courage of her convictions to own it and not say that the people of regional New South Wales are happy. It is offensive.

DOMESTIC AND FAMILY VIOLENCE

DEPARTMENT OF PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT

The Hon. EMILY SUVAAL (14:40): I take note of answers provided by Minister Rose Jackson in response to my question about the primary prevention strategy, a New South Wales first, and our approach to prevent domestic and family violence. It is worthwhile noting that the rollout of the Staying Home Leaving Violence program, which was previously in only 91 local government areas, is being fully rolled out to 128 council areas in our State. I thought it would interest the House to know that 70 per cent of those councils that were without that service were in regional New South Wales.

We are talking about Balranald Shire Council, Central Darling Shire Council, Berrigan Shire Council, Bland Shire Council, Carrathool Shire Council, Coolamon Shire Council, Cootamundra-Gundagai Regional Council, Edward River Council, Hilltops Council, Lockhart Shire Council, Murray River Council, Murrumbidgee Council, Snowy Valleys Council, Temora Shire Council, Gwydir Shire Council, Uralla Shire Council, Clarence Valley Council, the Council of the Shire of Hornsby, the Council of the Municipality of Hunters Hill, Ku-ring-gai Council, Lane Cove Municipal Council, Mosman Municipal Council, North Sydney Council, Northern Beaches Council, Council of the City of Ryde, Willoughby City Council, Wingecarribee Shire Council, Goulburn Mulwaree Council, Upper Lachlan Shire Council, Yass Valley Council, City of Canada Bay Council, Strathfield Municipal Council, Bogan Shire Council, Bourke Shire Council, Cobar Shire Council, Oberon Council and Warren Shire Councils. All those local areas, 70 per cent of which are in regional New South Wales, where we know this is a problem, will now have the benefit of the Staying Home Leaving Violence package. We know from listening to frontline workers in the sector that it has had some promising results.

I also take note of answers given today by the Minister for Regional New South Wales around what is a really exciting announcement in the restructuring and reshaping of the Department of Regional NSW. I particularly take note of the importance of the regional coordination role to regional development for our State. In my region, the Hunter Valley, mining is one of our major employers. We all know of the precarity of that sector and the issues facing those workers. Having regional development as a central coordinating function within the Premier's Department is really welcome news in our community. It is a significant and great move for us as a State. I commend the Minister for the approach that she has taken to the portfolio. The benefits will be felt throughout regional New South Wales.

STATE BUDGET AND DOMESTIC AND FAMILY VIOLENCE

Ms ABIGAIL BOYD (14:43): I take note of the answer given by the Treasurer in relation to working out exactly how much money in the budget will go towards domestic and family violence. Anyone who has been paying attention knows that I have asked about this at every budget estimates hearing since I took on the domestic and family violence portfolio for The Greens in 2019. At every hearing I have asked where this line item is. It is really important, because we get funding announcements but there is no way to easily track exactly how much is spent or to see how that compares with previous years. Some aspects of the latest package announced on Monday look like a promising start, but it is really hard to work out exactly how much money is there, where it is going and whether it will be delivered if, for example, there are not enough workers or there is some other issue. The sector and I would like to know exactly how much money is being spent so that we can track it, work out what is and is not having an impact and where we need to continue to push.

For instance, we know the Staying Home Leaving Violence program was funded with \$32 million over four years from the 2021-22 budget, which takes us to 2025. It is a bit unclear whether the Government announcement of an additional \$48 million over the four years includes what has already been put in the budget until 2025. If it does not, we are actually looking at \$2 million, \$4 million or \$8 million additional a year, which is not very much. Is it conditional? What sort of backup plan does the Government have to ensure there is a workforce strategy so that this can be rolled out quickly and effectively? That sort of information is missing. Similarly, it is unclear how much of the \$48 million to fund child specialists in refuges is a carry-on from the existing funding that we had to really argue for this time last year. Those workers were about to lose their jobs and were saved within four days thanks to the sector's advocacy. Those are the sorts of issues that we are talking about.

I appreciate the Treasurer's attempt to try to correct some of those figures. We can debate it at length, I am sure, but we are dealing with a sector that has been messed around for so long when it comes to funding. There have been so many bright and shiny announcements that did not get backed up by funding at the end of the day.

The sector really just wants to understand this very clearly. It does not want things like general women's health services and streetlight spending included in the figure. It just wants to know.

DOMESTIC AND FAMILY VIOLENCE

The Hon. NATALIE WARD (14:46): I take note of the answers given today by various Ministers. It is right for us to ask these questions and, while we welcome the Government package, we are entitled to ask for the details and specifics of how it will be delivered. Of course, holistic support is required across the sector. As the former women's safety Minister, I am well aware of what is required. That is why we are so interested in being bipartisan about this. It is disappointing that what appears to be a valiant attempt by the Minister to employ specialist workers, for which there is Commonwealth funding, seems to be only a recruitment drive at this point as opposed to people being employed right now. That is sadly disappointing given that the funding is there, and these workers should be put in place. It does not require in-depth analysis to look at where they are best used. The fact is that women across the State need support and help. We do not understand, and we will continue to ask questions about those workers.

It is also disappointing that some attempts have been made for some to seem more concerned than others about this. We are bipartisan in our concern. On Sunday the Coalition leadership team came out with a sensible, collaborative proposal for bail law reform and electronic monitoring. We know that electronic monitoring works. We have an evidence base from Project Vigilance in Tasmania, and Bureau of Crime Statistics and Research studies in New South Wales show that it works. It was disappointing to see Minister Graham say that we were politicising it, and I hope those sorts of comments do not continue. That is fine in the Roads and the Music and Night-time Economy portfolios, but in this space it is absolutely not. We are in this place to work collaboratively and constructively with the Government.

The Coalition was committed to this. Under our Government \$700 million was invested across the sector for initiatives ranging from providing the Women's Domestic Violence Court Advocacy Service to almost doubling the number of women's shelters as part of the Core and Cluster program. I would be interested to understand where that money is. We invested \$426 million to build 39 new refuges so that almost 2,900 more women and children could be supported annually. That is serious frontline support. In relation to the Treasurer's comments, it is a falsity to compare Victoria with New South Wales when the Victorian budget includes, in women's safety, its policing and Health budget. That is not correct. The Treasurer is comparing apples and oranges. We have a very comprehensive range of options that we brought in as a government and we would like to see those continue. We will have a lot more to say about that.

DOMESTIC AND FAMILY VIOLENCE

The Hon. MARK LATHAM (14:49): I take note of the important debate about domestic violence and bring to the attention of the House a perhaps unexpected reasoned contribution last Friday in *The Sydney Morning Herald* by Waleed Aly. It took him a decade to write the article, but thank goodness he did because he attended to the actual evidence. He wrote of how, when studying the roots of violence:

the research overwhelmingly identifies factors like humiliation, shame and guilt as motivating drivers, not a lack of respect. When the literature mentions respect at all, it isn't about the perpetrator disrespecting the victim: it's more about the perpetrator feeling someone has disrespected *them*.

He quotes James Gilligan, the prison psychiatrist working with violent men in the United States for 35 years, who has made a telling point. Aly writes that Gilligan:

was "yet to see a serious act of violence that was not provoked by the experience of feeling shamed or humiliated, disrespected and ridiculed".

Gilligan says, "all violence is an attempt to replace shame with self-esteem". This points to the socio-economic factors driving domestic violence: poverty, welfare dependency, drug and alcohol problems, mental illness and infidelity. If one goes through the reports of the Coroner's Domestic Violence Death Review Team, those elements are certainly clear. Waleed Aly also highlights the problem with an attempt at cultural change in the Scandinavian countries to drive up gender equality. He writes of the "Nordic paradox", where "the most gender-equal societies in the world also report some of the highest rates of sexual assault and gendered violence across the European Union". He draws a parallel—I think probably an accurate one—of how there was an expectation at one time that all Muslims should get together to deal with the problem of Islamic terrorism, that the "good Muslims" should sort out the bad ones. Aly writes:

Muslims didn't suddenly call a meeting, agree that enough was enough and tell all the terrorists to knock it off. Instead, they felt alienated from the conversation, and in many cases became defensive.

This is the response of a lot of men to the attempt to point to universal misogyny, toxic masculinity, advertising campaigns and the assertion that every little boy is a potential domestic violence perpetrator when he grows up. Waleed writes:

when you're being associated with a crime you can't even imagine committing and told it's your problem to solve, you tend not to feel enlisted. Instead, you feel incapable. And when you cast a social problem like that as a problem of identity, lots of people will retreat and defend an identity they feel is unfairly maligned.

That is one of the problems. Outside of public health campaigns like HIV/AIDS and smoking, government has a very poor record in changing the culture and social attitudes. Domestic violence is primarily a law and order problem. We can spend a lot of money—and a lot of money has been spent—but it seems to be getting worse. Law and order solutions are at the root of sorting out this terrible problem in society.

STATE BUDGET AND DOMESTIC AND FAMILY VIOLENCE

The Hon. STEPHEN LAWRENCE (14:52): I take part in the take-note debate to reflect on a couple of the topics addressed today. I start with the question of domestic violence and take note of the things the Leader of the Government said about the package announced by the Government. It was good indeed to hear that aspects of that package will for the first time include a primary prevention strategy, as well as intervention programs and expanded caseworker schemes. All of those things are really important. There is also a \$5 million allocation to research. As I understand it, that research will look at the phenomena of family, domestic and sexual violence, as well as at intervention programs to see what works. This question of research into the phenomena of domestic and family violence is an important one.

There are a lot of different sources of information, from Australian Bureau of Statistics surveys of individuals that go to the question of prevalence as well as the Bureau of Crime Statistics and Research [BOCSAR] statistics that the State Government produces. It is an interesting picture. For example, if we look at BOCSAR statistics over the previous five-year period, we see increases of between 2 per cent and 10 per cent for a range of domestic violence offences. Of course, it should be noted that over recent decades we have implemented a range of programs designed to increase reporting of these things. It is still the case, however, that a majority of those types of offences are not reported, so one has to be careful about statistics. It can fairly be said, though, that statistics in relation to homicide and grievous bodily harm offences are much more reliable because those are offences, of course, that are invariably brought to the attention of the authorities.

For example, if one looks at intimate-partner homicide over a relevant period—say, the three decades since 1989—the improvements are quite simply incredible: from a prevalence of 0.7 per 100,000 for intimate-partner homicide generally to 0.2 per 100,000, a drop of more than half. If members disaggregate and look at the female victims, there were 82 in 1989-90 and 38 in 2022-23. As I understand it, at the moment we are on track to stay at around that level for 2023-24. It is crucial that we understand the causes of this extremely significant drop. That should not be lost in all of the discussion about the problem. We need to understand what is working as well as what is not.

DOMESTIC AND FAMILY VIOLENCE

The Hon. SUSAN CARTER (14:56): I take note of the answer given by the Minister for Housing. I acknowledge the sincerity in seeking to grapple with this ongoing issue of domestic violence that all members are attempting to face. However, I am completely baffled by the approach that takes a matter that arises in the criminal law—specifically section 112 of the Crimes Act, which causes a real danger to women in tenancies where there is more than their own name on the lease—and seeks to shift it away from the Attorney General's portfolio to that of the Minister for Better Regulation and Fair Trading. A year ago the High Court pointed out that, unlike the Australian Capital Territory, Tasmania, Victoria, South Australia, Western Australia and the Northern Territory, the New South Wales Government had done nothing to address section 112 of the Crimes Act, which dealt with the historic idea of break and enter and of trespass.

This lack of action led to the circumstances in *BA v King* [2023] HCA 14. The partner of a woman whose relationship had broken down had left the premises, taken all of his belongings and left his keys on the kitchen table, but when he then came back and said "Let me in" and the woman said no, he could kick down the door of the formerly shared premises with impunity and it was not a trespass. This creates a situation of real danger for women. It is a situation that has not been addressed in a year. It is not the silver bullet for domestic violence—sadly, that does not exist—but it is a part of the jigsaw. It needs to be addressed and should have been addressed in the year since the High Court called it out. I quote from the decision of justices Gordon, Edelman, Steward and Gleeson, who stated:

No such amendment or replacement of the older concepts has been undertaken by the New South Wales Parliament in respect of s 112 of the Crimes Act 1900 (NSW).

In their decision the justices spoke directly to this Parliament. It was an invitation that Opposition members accepted and answered by producing legislation ourselves, based on the Western Australian code.

COVID-19 AND HOSPITAL PRECAUTIONS

DOMESTIC AND FAMILY VIOLENCE

Dr AMANDA COHN (14:59): I take note of the answer to my question regarding the transmission of COVID-19 infections in hospitals in New South Wales. Minister Houssos was reading verbatim from a response I received to a question taken on notice during budget estimates hearings earlier this year. Many people, particularly those living with chronic complex medical conditions, including immunocompromised people and their carers, are horrified by the so-called standard and foundational precautions that are not sufficient to protect patients from infections in healthcare settings. They should and must be safe for patients and for staff.

I appreciate that Minister Houssos is not the Minister for Health—she is representing the Minister for Health—but she did not respond at all to the part of my question relating to data collection. I call on the Minister for Health, given his confidence in the status quo, to actually collect and publicly report the data. Six people a week are dying in Victoria from COVID-19 infections they have acquired in hospitals, and there is no good reason to believe the situation is any better in New South Wales. We must be collecting and aggregating the data at a statewide level so that we can understand the problem in New South Wales.

I also take note of the answer from the Treasurer to Ms Abigail Boyd's question regarding domestic violence. I build on her excellent contributions to the take-note debate. In my own experience, as a GP working on the border in Albury-Wodonga, and my firsthand experience of the Victorian Government's intervention following its royal commission in 2015, one in five women who have experienced family and domestic violence make their very first disclosure of that violence to their GP. It is an important and trusting relationship.

In my experience when a patient made that disclosure and placed their trust in me, the very first thing I had to do to work out the next steps for that patient was to have a look at her postcode because if that person lived in Victoria, they could access the Orange Door service, a one-stop shop to get wraparound multidisciplinary support. I could sleep safe at night knowing they would be cared for and that their psychosocial needs would be met so that I only needed to look after their healthcare needs.

If that patient lived in New South Wales, I would face a litany of wrong doors, referrals would be passed on and the buck would be passed between the housing department, the sexual assault service, police, the criminal justice system and mental health. There was no equivalent service in New South Wales providing holistic care and support to victims of family and domestic violence. There is an excellent service provider in my community of Albury called Yes Unlimited, primarily a housing service provider which has absolutely gone above and beyond its core purpose to show leadership on the issue and lead the Staying Home Leaving Violence program in Albury. It is doing absolutely outstanding work, but there are important lessons for us to learn from the Victorian experience. We need that level of funding in New South Wales.

STATE BUDGET AND DOMESTIC AND FAMILY VIOLENCE

The Hon. NATASHA MACLAREN-JONES (15:02): I acknowledge the contribution of Dr Amanda Cohn, particularly the work she did in Albury. Yes Unlimited does an amazing job in Albury, but I will not touch on that. I take note of a number of answers given by Ministers today, particularly on the frustration that funding was available to workers and yet has not been rolled out over the past 12 months. Across the State, specialist homelessness services and women's refuges are working above capacity. It breaks my heart to hear stories from those providers and from frontline workers who have to not only turn women and families away at times because they do not have the resources or vouchers to give them for food and essential items but also, worse, close their doors.

There are cases where these workers know that they cannot provide any more support or assistance and the doors are closed. It was reported in the media in the past week that Nova for Women and Children in Newcastle opened up a car park for women and children to sleep in their cars and have somewhere to stay at night. That is not unique and is happening across the State. We need urgent funding. I acknowledge the Government's announcement yesterday but the upcoming budget needs to have investment in specialist homelessness services and more support for women's refuges to ensure that women and children are not being turned away and going back to situations where they are at risk.

I also highlight that more needs to be done to support young people. Unaccompanied minors are presenting to specialist homelessness services because they have nowhere else to go due to family and domestic violence, whether that is from a parent or carer looking after them or a sibling. They are going to these services looking for

assistance and being turned away. They have no other choice. They are couch surfing and sleeping on the streets because the infrastructure, emergency housing and support services do not exist to look after them.

DEPARTMENT OF PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT

The Hon. WES FANG (15:04): I take note of the answer given by the Minister for Regional New South Wales, which was, quite frankly, offensive. We have already seen this Labor Government treat people in rural and regional New South Wales like second-class citizens. The Hon. Stephen Lawrence knows that all too well because he chaired the inquiry into the bill on the prioritisation of water assets where the Minns Labor Government treated people in rural and regional New South Wales like second-class citizens. The Minister for Regional New South Wales is doing that again with cuts to rural and regional New South Wales through the department. For the Minister to say it was an exciting time for our people is an absolute disgrace. She should apologise to every single person in rural and regional New South Wales.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (15:05): I thank all members for their contributions both in this take-note debate and in question time. I acknowledge it has been a very difficult number of weeks for New South Wales, and that was remarked upon. Given what the community has gone through, I think that is the right place to start. It has been a difficult and sad period, and it has had a real impact on the community in a range of ways.

I particularly thank the members who spoke on the issue of family and domestic violence. There were a range of perspectives and suggestions, and a range of solutions proposed. I agree with the contribution from the Hon. Susan Carter: There is no silver bullet. We will need to do many different things. I recognise the recent Government budget announcement of \$230 million to improve assistance at the crisis end of the scale. Other work needs to be done in the bail space, which has had attention drawn to it. The Government has sought advice from the Crown Advocate. Other suggestions were about law reform.

Further reform is almost certainly necessary. It is easy to feel overwhelmed by the scale of this problem when one woman is dying every four days. A number of members made suggestions about focusing on high-risk offenders. I recognise some of the strengths of the New South Wales system. We have a remarkable sector that has decades of experience of dealing with this issue. That is a real strength. We have strong police reporting systems. That is a strength as we tackle this problem. But, the truth is, we probably do not have the systems needed to standardise and collect the information needed to tackle the problem. We will almost certainly have to deal with that long-term change.

Members raised questions about funding. I am advised that funding has increased from \$802 million to \$987 million. That represents a 23 per cent increase over the forward estimates, which is very welcome. Members referred in particular to the Domestic Violence Death Review Team. I single that work out as giving us an excellent evidence base in New South Wales. We receive unparalleled information that can be used to tackle the range of suggestions that members have made. I thank members for their contributions.

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

Motion agreed to.

Deferred Answers

ASBESTOS-CONTAMINATED MULCH

In reply to **The Hon. SARAH MITCHELL** (12 March 2024).

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

The Environment Protection Authority's [EPA's] investigation is focused between March to December 2023. No additional details can be provided due to the EPA's ongoing investigation.

Liverpool West Public School and Allambie Heights Public School were the only two schools that had a confirmed asbestos find in mulch as part of the EPA investigation.

It was first laid at Liverpool West Public School. The mulch at Liverpool West Public School was installed in two stages: Stage 1 was completed between March 2023 and April 2023, and Stage 2 was completed between July 2023 and October 2023.

The mulch at Allambie Heights Public School was installed in December 2023.

NSW POLICE FORCE COVID-19 VACCINATION

In reply to **The Hon. JOHN RUDDICK** (12 March 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 am advised:

The NSW Police Force COVID-19 mandate was a lawful direction to employees and rendered vaccination against COVID-19 a condition of employment. Employees who refused to be vaccinated by the specified deadlines were deemed as having breached a lawful direction and therefore, subject to disciplinary proceedings, which included removal from the NSW Police Force.

Every officer who was removed had the right to seek a review of their removal order at the Industrial Relations Commission of NSW, which has consistently held that the Commissioner's direction was lawful. Any former officer removed from the NSW Police Force under section 181 D of the Police Act 1990 on the basis that they did not comply with a lawful direction will not be considered eligible for reappointment.

LOCAL SMALL COMMITMENTS ALLOCATION

In reply to **The Hon. NATASHA MACLAREN-JONES** (12 March 2024).

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

At my request the Premier's Department, to date, has undertaken a review of COI declarations in 17 electorates where probity questions have been identified, or where candidates were local councillors and have nominated a council run project.

Seventeen MPs/candidates from the following electorates have completed COI declarations related to all projects they nominated through the LSCA grant program:

- Blacktown (a COI was only conducted on one project)
- Camden
- Clarence
- Dubbo
- Drummoyne
- Kiama
- Lane Cove
- Leppington
- Liverpool
- Miranda
- Newcastle
- Oatley
- Parramatta
- Swansea
- Tamworth
- Wallsend
- Wyong

GOULBURN GREYHOUND TRACK

In reply to **The Hon. ROBERT BORSAK** (12 March 2024).

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

The development application relating to Goulburn greyhound track is a matter for Goulburn Mulwaree Council. Any questions relating to the progress of the application should be referred to Goulburn Mulwaree.

GOULBURN GREYHOUND TRACK

In reply to **The Hon. ROBERT BORSAK** (12 March 2024).

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

See response to Question Without Notice LC121.

DEPARTMENT OF REGIONAL NSW

In reply to **The Hon. BRONNIE TAYLOR** (12 March 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:

- (1) The functional review report is yet to be considered by Government.

CANNABIS AND ROAD SAFETY

In reply to **The Hon. JEREMY BUCKINGHAM** (12 March 2024).

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

I am advised:

It is against the law in New South Wales for a person to drive with any amount of Tetrahydrocannabinol [THC]. This is because THC is widely acknowledged to affect the skills required for safe driving, including attention, judgement, concentration, memory, vision, coordination and decision making.

Between 2018-2022, there were 226 fatal crashes involving drivers and riders with the presence of THC. This represents 16 per cent (226 out of 1,442) of all fatal crashes.

Presence of THC does not necessarily mean that all of these fatal crashes were caused by THC. There may have been other factors involved including speed, alcohol, road conditions etc, as there are in many fatal crashes.

CANNABIS AND ROAD SAFETY

In reply to **The Hon. JEREMY BUCKINGHAM** (12 March 2024).

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

I am advised:

As per the latest data available, crash data in New South Wales shows that between 2018 and 2022, there were 226 fatal crashes involving drivers and riders with the presence of Tetrahydrocannabinol [THC]. This represents 16 per cent (226 out of 1,442) of all fatal crashes.

These numbers only represent the motor vehicle controllers (drivers and riders) involved in the fatal crashes (not passengers).

Transport for NSW receives this information from NSW Health, and it reflects the results of blood alcohol analyses and drug tests regularly obtained from the NSW Health Pathology Forensic and Analytical Science Services.

GREYHOUND REHOMING

In reply to **The Hon. EMMA HURST** (13 March 2024).

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

I am advised by Greyhound Racing NSW that the death of Carey occurred prior to transport at the Hanrob Mascot kennel facility.

REGIONAL YOUTH CRIME

In reply to **The Hon. SARAH MITCHELL** (14 March 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 am advised:

The NSW Police Force does not record information relating to school suspensions involving young people.

The Department of Education does not hold data on youth arrests. Suspensions are only administered to students when a matter occurs on the school site as per the Department of Education's Student Behaviour Policy.

The purpose of the suspension is to allow the school to implement appropriate supports during the student's absence to address the student's complex and challenging behaviour or behaviours. This is to ensure a successful return to school, and mitigate any unacceptable risks posed to teaching and learning, and the health, safety and wellbeing of staff and/or students.

Police Liaison Officers who are seconded to the department are available to provide advice and support to schools who are responding to incidents and also to secondary schools through the delivery of crime prevention programs.

ENVIRONMENTAL PROTESTS

In reply to **The Hon. TANIA MIHAILUK** (14 March 2024).

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

I am advised:

The previous Attorney General determined through the 2018/19 New South Wales funding process, the State funding allocations to be made under the Community Legal Centres Program [CLC Program] for the period 1 July 2019 to 30 June 2025.

In 2023/24, the Environmental Defender's Office [EDO] will receive \$220,368 of CLC Program funding, comprising of \$178,659 from the New South Wales Government and \$41,709 from the Public Purpose Fund [PPF] under a Service Agreement with Legal Aid NSW. Legal Aid NSW administers the CLC Program on behalf of the New South Wales Government.

The CLC Program funding is provided to CLCs to deliver free legal help to people in New South Wales experiencing disadvantage, and EDO specialises in public interest environment and planning law.

While CLCs are encouraged to target legal services towards people experiencing disadvantage, there is no requirement for a means test under the EDO Service Agreement.

NSW POLICE FORCE MEDIA ADVISERS

In reply to **The Hon. ROD ROBERTS** (14 March 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:

The total of the termination payments for the three officers is \$687,613.40.

It should be noted that payments are made in accordance with the Police Act 1900, per clause 46(1) of the Public Sector Employment Regulation 2014 which requires that:

- (1) The contract of employment of a NSW Police Force senior executive is to provide for the payment of the following compensation to the executive on the termination of the executive's employment-
 - (a) If the employment is terminated under section 40 of the Police Act 1990 during or at the end of any period of probation imposed as a condition of the executive's engagement—an amount equal to the executive's remuneration package for a period of four weeks,
 - (b) If the employment is otherwise terminated under section 40 of the Police Act 1990—an amount equal to the executive's remuneration package for a period of 38 weeks or for the period remaining on the term of the contract (whichever is the lesser)
 - (c) If the employment is terminated under section 68 of the Act for unsatisfactory performance—an amount equal to the executive's remuneration package for a period of 13 weeks.

KOSCIUSZKO NATIONAL PARK WILD HORSE MANAGEMENT

In reply to **The Hon. ROBERT BORSAK** (19 March 2024).

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

Questions about the current size of wild horse populations and relevant management programs in State forests and private lands surrounding Kosciuszko National Park are best directed to the Minister for Agriculture, Regional NSW and Western NSW, as the Minister responsible for the Forestry Corporation of NSW and Local Land Services.

Nevertheless, while the current focus of the National Parks and Wildlife Service is necessarily directed towards wild horse control within Kosciuszko National Park, it will continue to work collaboratively with park neighbours, other agencies and adjoining jurisdictions on a range of landscape-wide feral animal control programs.

In the first 15 days since the commencement of park closures for wild horse control in the southern part of Kosciuszko National Park, from 4 March to 19 March 2024, a total of 534 horses were removed by aerial shooting. The following table provides a daily breakdown of the number of horses removed by aerial shooting over that period.

Date	Daily total
4/03/2024	0

5/03/2024	0
6/03/2024	133
7/03/2024	137
8/03/2024	192
9/03/2024	0
10/03/2024	0
11/03/2024	4
12/03/2024	59
13/03/2024	5
14/03/2024	4
15/03/2024	0
16/03/2024	0
17/03/2024	0
18/03/2024	0
19/03/2024	0
TOTAL	534

In addition, four horses were removed by ground shooting on 5 March 2024.

RENEWABLE ENERGY BUFFER ZONES

In reply to **The Hon. WES FANG** (19 March 2024).

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

The New South Wales Government is committed to the transition to renewable energy. The transition is underway and is integral to addressing climate change, bringing investment into regional New South Wales, and diversifying our economy.

The New South Wales Government recently exhibited draft Wind Energy Guidelines to provide more certainty to the industry and host communities. These guidelines propose setback distances to help manage the visual impacts of wind turbines.

We have received a range of feedback on this matter from industry and community stakeholders. The Government is currently considering all the issues raised from both stakeholder groups and will make further announcements when it is appropriate to do so.

CHILD STRIP SEARCHES

In reply to **The Hon. JEREMY BUCKINGHAM** (19 March 2024).

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

The Minister for Police and Counter Terrorism continues to meet with stakeholders on this matter. Ministers' diary disclosures are published on The Cabinet Office's website at: <https://www.nsw.gov.au/departments-and-agencies/the-cabinet-office/ministers-diary-disclosures>.

CHILD STRIP SEARCHES

In reply to **The Hon. JEREMY BUCKINGHAM** (19 March 2024).

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

The Minister for Police and Counter Terrorism continues to meet with stakeholders on this matter. Ministers' diary disclosures are published on The Cabinet Office's website at: <https://www.nsw.gov.au/departments-and-agencies/the-cabinet-office/ministers-diary-disclosures>.

ROSEHILL RACECOURSE AND HOUSING

In reply to **The Hon. SCOTT FARLOW** (19 March 2024).

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)—The Minister provided the following response:

I am advised:

On November 8 2023, the ATC approached the New South Wales Government with a pre-submission concept for the redevelopment of Rosehill for housing, plus a number of related elements.

MOREE YOUTH CRIME

In reply to **The Hon. SARAH MITCHELL** (20 March 2024).

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

I am advised by the Deputy Premier, Minister for Education and Early Learning and Minister for Western Sydney that:

The Department of Education is providing targeted support for attendance at Moree Secondary College, to support the important work of the school.

The Department of Communities and Justice is the lead agency for the Moree pilot program.

The Department of Education's commitment to and participation in Youth Action Meetings [YAM] is critical to improving outcomes for children and young people.

Led by the NSW Police Force, YAMs provide a coordinated service approach for young people aged between 10-17 years old, at risk of (re)offending or (re)victimisation, to lessen their contact with the criminal justice system, and improve their safety, welfare, and wellbeing.

A Department of Education representative attends YAMs as a member at each of the 13 locations, one of which being Moree.

REGIONAL TRAINS

In reply to **The Hon. SAM FARRAWAY** (20 March 2024).

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

I am advised:

The new Regional Rail fleet consists of 29 new trains, including 117 carriages, forming 10 regional intercity, nine short regional and 10 long regional trains. The first train arrived at Mindyarra Maintenance Centre in Dubbo in February 2024.

Major work to build the Mindyarra Maintenance Centre has been completed, with some work continuing, including installation of key equipment, building fit-out and landscaping.

Some rail infrastructure will need to be upgraded to accommodate the new fleet and to improve customer experience. Planning and investigations are underway to determine the final scope of work for the Rail Infrastructure Upgrades project.

Momentum Trains is preparing for completion works on the first train and going through the assurance phase prior to commencement of testing at the Mindyarra Maintenance Centre. Static testing will be undertaken within the maintenance centre and successful completion of the static testing will inform the timing of dynamic testing to be undertaken on the New South Wales rail network.

A timeline for train entry into service will be confirmed once they have progressed through testing and the relevant verifications on the New South Wales and Australian rail networks.

REGIONAL TRAINS

In reply to **The Hon. SAM FARRAWAY** (20 March 2024).

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

I am advised:

NSW TrainLink confirms there are no plans to amend the Bathurst Bullet service to a short regional train service.

BIODIVERSITY OFFSETS PROJECT

In reply to **Ms SUE HIGGINSON** (20 March 2024).

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

The previous Government failed to meet their obligations under the Growth Centres Biodiversity Offset program. The NSW Department of Climate Change, Energy, the Environment and Water [the department] is aware of its reporting obligations and is currently working through the annual reporting process. Once finalised, the department will publish the reports online.

BIODIVERSITY OFFSETS PROJECT

In reply to **Ms SUE HIGGINSON** (20 March 2024).

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

The previous Government failed to meet their obligations under the Growth Centres Biodiversity Offset program. The Department of Climate Change, Energy, the Environment and Water (the department) is working to ensure that the program funding will deliver the offset commitments.

Prior to 2020-21, the Growth Centres Biodiversity Offset program protected 745.7 hectares of vegetation. Since then:

- a. in 2020-21, 10.7 hectares were added;
- b. in 2021-22, 98.5 hectares were added;
- c. in 2022-23, no land was added; and
- d. in 2023-24, 45.67 hectares is expected to be secured.

The department is aware of its reporting obligations and is working through the annual reporting process. Once finalised, the department will publish the reports online.

RENEWABLE ENERGY

In reply to **The Hon. DAMIEN TUDEHOPE** (21 March 2024).

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

Details of contracts are published in the register of government contracts on the NSW eTendering website at <https://www.tenders.nsw.gov.au/>. Certain confidential information is not required to be included in the register of government contracts, including the commercial-in-confidence provisions of a contract.

While the contracts that the Energy Corporation of NSW enter into are commercial in confidence and sensitive, information on publicly disclosed payments to contract counterparties can be found on the Australian Energy Regulator's website at www.aer.gov.au.

WOOD SUPPLY AGREEMENTS

In reply to **The Hon. MARK BANASIAK** (21 March 2024).

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

The setting of wood supply agreements is a matter between the Forestry Corporation of NSW [FCNSW] and the Minister for Agriculture, and respective timber businesses. The Minister for the Environment, the NSW Environment Protection Authority and the Department of Climate Change, Energy, the Environment and Water have no role in negotiating or entering into these agreements.

Integrated Forestry Operations Approvals [IFOAs] set environmental rules for how forestry operations can be carried out in State forests and Crown timber lands in New South Wales. The NSW Environment Protection Authority [EPA] leads reviews of IFOAs, jointly with the Department of Primary Industries [DPI].

IFOAs are required to ensure forestry operations achieve ecologically sustainable forest management [ESFM] as required by the Forestry Act 2012. Timber supply volumes are set under IFOAs.

Timber supply volumes for Riverina forests are set in the Riverina Red Gum Integrated Forestry Operations Approval [RRG IFOA]. Timber volumes for sawlogs, residue and residue log volumes do not expire until the 31 December 2030. Permissible volumes for early thinning residues expire on 30 June 2024. New early thinning residue volumes proposed by FCNSW were reviewed by the Office of the Chief Scientist and Engineer and a panel of forestry experts in 2020 and 2021.

On the basis of the Chief Scientist and Engineer's advice, further information and data has been required to be collected to determine if the volumes proposed are sustainable. This work is currently being progressed by the Forestry Corporation with EPA and DPI.

The EPA is also currently working with DPI on possible approaches and pathways to extending the early thinning volumes.

Riverina Red Gum State forests will also be independently assessed during the upcoming Western IFOA review.

GREAT KOALA NATIONAL PARK

In reply to **The Hon. SAM FARRAWAY** (21 March 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 refer the honourable member to my answer provided to a supplementary question for written answer asked on 21 March 2024 and provided on 22 March 2024 on the matter.

GREAT KOALA NATIONAL PARK

In reply to **The Hon. SAM FARRAWAY** (21 March 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 refer the honourable member to my answer provided to a supplementary question for written answer asked on 21 March 2024 and provided on 22 March 2024 on the matter.

GOULBURN RIFLE RANGE

In reply to **The Hon. ROBERT BORSAK** (21 March 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:

The NSW Police Force's Firearms Registry has been in regular communication with stakeholders regarding the requirements to obtain approval for this rifle range.

The NSW Police Force's Firearms Registry has scheduled a meeting with relevant stakeholders including the Sporting Shooters Association of Australia and Goulburn Mulwaree Council to discuss and identify a practical way forward. The focus will be to work with all parties for a suitable outcome. The meeting will be documented with a record and Range Inspection Report made available to all concerned. The Range Inspection Report will be inclusive of any requirements to obtain range approval.

GOULBURN RIFLE RANGE

In reply to **The Hon. ROBERT BORSAK** (21 March 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:

Yes. Following a shooting range inspection conducted by the NSW Police Force's Firearms Registry, the shooting range approval holder or applicant will receive a Range Inspection Report. This report includes the necessary requirements to renew the shooting range approval.

The requirements and process to make an application (new or renewal) for approval of a shooting range are provided in detail in the *Range Users Guide* 2017, which is publicly available on the NSW Police Force's website at: https://www.police.nsw.gov.au/online_services/firearms/ranges.

NSW POLICE FORCE APPOINTMENTS

In reply to **The Hon. AILEEN MacDONALD** (21 March 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:

The Police Commissioner's office and the Minister for Police and Counter-terrorism's office work closely together on a day to day basis.

Like every other department head in the State, the Commissioner is entitled to select her own executive team.

Written Answers to Supplementary Questions

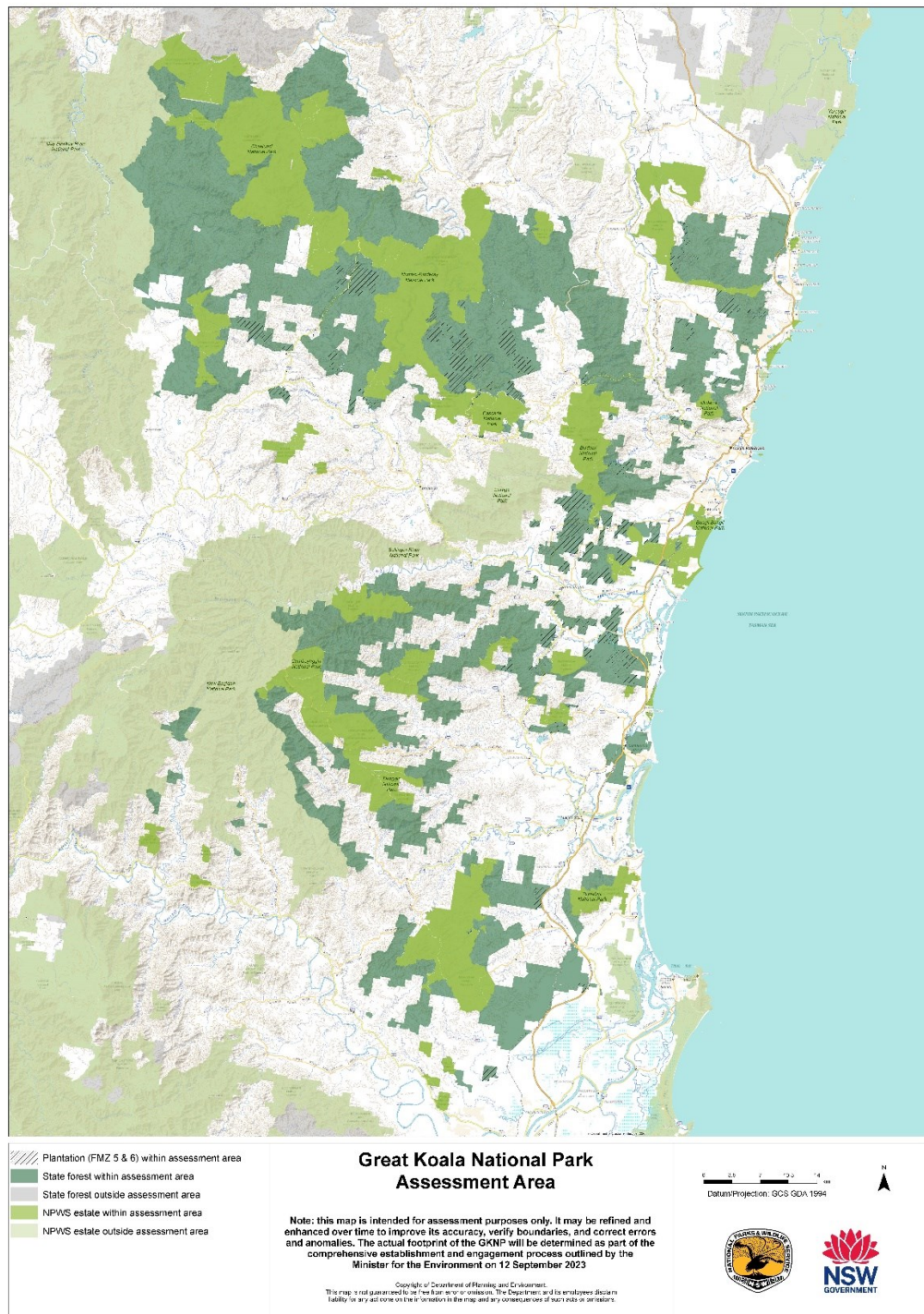
GREAT KOALA NATIONAL PARK

In reply to **the Hon. SAM FARRAWAY** (21 March 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:

Delivery of the Great Koala National Park is the responsibility of the Minister for the Environment.

However, for the benefit of the honourable member, a copy of the map that I am advised was presented to the steering committee is attached.



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

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. PENNY SHARPE: On behalf of the Hon. Tara Moriarty: I postpone Government business notice of motion No. 1 until the next sitting day.

The Hon. PENNY SHARPE: I postpone Government business notice of motion No. 2 until the next sitting day.

POSTPONEMENT OF BUSINESS

The CLERK: According to standing order, I advise the House of the following postponement:

Matter of Public Importance No. 1, standing in the name of the Hon. John Ruddick, postponed until Thursday 9 May 2024.

Committees

PORTFOLIO COMMITTEE NO. 3 - EDUCATION

Extension of Reporting Date

Ms ABIGAIL BOYD: According to paragraph (6) of the resolution establishing the portfolio committees, I inform the House that on 26 March 2024 Portfolio Committee No. 3 - Education resolved to extend the reporting date for its inquiry into children and young people with disability in New South Wales educational settings to 17 June 2024.

Condolences

WESTFIELD BONDI JUNCTION INCIDENT

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (16:35): I move:

That this House:

- (a) expresses its deep sorrow at the loss of six innocent lives on 13 April 2024 in Bondi Junction;
- (b) extends its sincere condolences to the families of those who lost their lives and those who were injured; and
- (c) recognises the bravery and professionalism of our frontline workers in responding to this tragedy.

It should have been an ordinary day on 13 April: parents with their children, enjoying the first day of school holidays; retail workers assisting people shopping for clothes and groceries; and teenagers out and about with their friends or at work. But on this ordinary day, in this ordinary place, a horrific crime shook our community. It rocked our usually peaceful city. The memory of this attack and the six innocent lives lost will stay with us forever.

For the witnesses there that day, it will take a long time to come to terms with the trauma they experienced. For those of us who watched from a distance, those of us who held our breath as the first reports came in over the radio, it will take a long time to come to terms with the horror that unfolded and our helplessness as we listened to what was going on. Children in shock, young people in tears, workers struggling to understand what they had been part of—many are just beginning the long journey of recovery ahead of them, and that will be hard.

Our thoughts and sympathies are with the families and loved ones of those who died. Their tragedy was a public emergency and a breaking news story, and I am sorry if that added to their trauma. Today everyone in this Parliament holds them in our hearts and mourns with them. What happened at Bondi Junction was unforgivable and unfair. Nothing can excuse it, explain it or contextualise it. It was an attack on innocents that has left our country reeling. Those six victims had such bright futures ahead of them. They were people living their lives—raising kids, planning their wedding day. Some were starting new careers; others were starting a new life in a new country. All six had walked such different roads that led them all to Bondi on that day, and all six were in the middle of their story. Today we mourn the loss of those futures.

For many people, what has shaken them the most is that they were left in a state of "what if": What if it was my family who was at Westfield that day? What if the victims were our friends or our children? The "what if" led us to a communal experience of deep empathy: What if it was my ordinary day that had turned upside down? When I started hearing the details about what happened in Bondi Junction, what cut through the horror were the accounts of ordinary people banding together. In that moment of fear, people defended and cared for each other—strangers who they had never met and who they may never meet again.

By now everyone will have heard the stories of heroism from that day, of those who stood up in mortal danger to protect their fellow citizens: the nurse locked safely behind store doors, asking to leave her place of refuge because there were people on the other side who needed medical assistance; local lifeguard Andrew Reid, who no doubt saved lives when he rushed to help the wounded, performing CPR on multiple victims; the French tradie, arming himself with whatever he could find, staring down the attacker so other people could escape; the security guards trying to stop a killer; and police inspector Amy Scott, who heard news of the danger and, without backup, ran to defend those who needed her. We ask a lot of our police. It is a difficult job and this was a complex situation. She did her duty in a calm, decisive way. In fact, we know that because of the professional way in which Inspector Scott conducted herself, many lives were saved. For that we are very grateful.

We are grateful to the many other officers who attended the scene. We are grateful to the paramedics who saved many lives. The acts of heroism by our first responders will always be remembered. Equally important was the invisible network of support that activated in the hours during and following the attack. Seventy-five doctors and paramedics arrived at Bondi Junction. They worked under incredible pressure, bundling people into ambulances and stabilising others at the scene. They navigated shock and confusion to get on with the job at a time when no-one was sure that the danger was contained. Those paramedics were also supported by the central coordination team, which did an incredible job coordinating the clearing of traffic so that victims could reach six separate hospitals across the city.

Once they arrived, the injured were met by doctors and nurses who worked all through the night. One doctor described the situation as "controlled chaos", which is what we saw across the city. Our frontline workers once again held the community together with their compassion and professionalism. It is only because of those incredibly calm and swift efforts that 12 patients, including a nine-month-old baby, improved and were released from our hospitals. It is hard to quantify how many lives were saved that day, but all of us are grateful for every one of them. When you speak to the frontline workers, as I have done, they will always tell you they were just doing their job. But what a job they did.

I understand many people want clear answers on how this could happen. The context of mental illness muddies the motive of this attack to a degree, but that does not change the fact that women were targeted and women deserve better. Women were targeted for reasons we are yet to understand. They deserved to live safely in their communities, as all women do. We are faced with a society that is being poisoned with sexist ideas about control and entitlement. We must work together to address those sexist ideas, which young men are being targeted with by those who seek to perpetuate them.

We owe it to all women to do everything in our power to make them safe. Women and children are too often the ones who suffer from violence. I know that members across the Chamber agree it has been enough for too long. Equality for women is at the heart of what we do. We are committed to making sure that coercion and other behaviours that lead to violence against women do not happen in the first place. We will always mourn that day—the ordinary day it should have been. But through our mourning, we grow closer as a community. It is not ordinary for us to see terror on this scale in our homes and in our communities. I hope we will never see it again.

The Hon. DAMIEN TUDEHOPE (16:42): On behalf of the Opposition, I join in commemorating with deep sorrow those who lost their lives in the horrific incident at Westfield Bondi Junction on 13 April 2024 and I extend our profound sympathy to their family and friends. The six victims who lost their lives were each at that shopping centre that day simply going about their business as shoppers or as workers. A 27-year-old female economics student from China, studying at the University of Sydney, was shopping for clothes and sending pictures back to her boyfriend in China, who she planned to marry after she graduated, when she was attacked. A 55-year-old widow, mother, grandmother and artist from Georgia had just ended a phone call with her son, who was overseas in Georgia, shortly before she was stabbed. A 47-year-old mother of two daughters, who was an architect specialising in heritage buildings, was at Bondi Junction with her nine-year-old daughter shopping for a child's birthday present when she was attacked.

A 25-year-old e-commerce assistant at the White Fox Boutique store at Westfield Bondi Junction was another victim that day. Her fiancé, a police officer, was among those officers called to the shopping centre as the attack unfolded. She had recently bought her wedding dress and the couple had sent out "save the date" notices for their wedding day. A 38-year-old mother was at the Westfield centre with her and her partner's nine-month-old baby daughter. After both she and her baby were stabbed, the brave, wounded mother passed the baby to two men who took care of her until help arrived. A 30-year-old security guard from Pakistan was at his first day on the job at Westfield Bondi Junction. He, along with another security guard, who was also injured, bravely attempted to stop the attacker.

I join in recognising the bravery and professionalism of our frontline workers—police and paramedics—in responding to the attack. Inspector Amy Scott acted with courage, decisiveness and skill, preventing the attacker assaulting any further victims. As well as the frontline workers, several other people acted with courage and helped save lives. They also deserve our recognition and gratitude. Among the 11 people who were injured but survived was Liya Barko, a 35-year-old woman from Ukraine, who was at the shopping centre to buy some volleyball equipment. Liya has expressed her gratitude to a man in a green T-shirt who helped staunch her bleeding wound. Liya, like all of us, wonders how a man with a history of mental illness turned a normal Saturday afternoon into hell.

The attacker, Joe Cauchi, had a history of mental illness. The Opposition supports the action of the Government to ensure that the Coroner is adequately resourced to conduct an inquiry into those six deaths and the death of the attacker. The coronial inquiry will include investigating the mental health treatment received by Joe Cauchi and identifying potential changes in mental health care that could prevent any similar horrific incidents

occurring in the future. I once again extend our condolences to the parents, partners, children, family and friends of each of the six victims who lost their lives as result of this horrific attack and wish a full and speedy recovery to all those injured in the attack.

The Hon. BRONNIE TAYLOR (16:46): I speak in debate on this condolence motion as the Deputy Leader of The Nationals. I thank the Leader of the Government and the Leader of the Opposition for their contributions. This really is nothing short of a tragedy. It is a sobering moment for us all to reflect on, and we must come together and pay tribute to the victims of the Bondi Junction attack. The impact of the attack has been felt in every corner of our State, every corner of our country and, I daresay, every corner of the world. What was an ordinary afternoon at the shops has now become a very sombre moment for New South Wales. Whether you are running a few errands or taking the kids out for the day, you would never expect that day to be your last. The more details we hear about what transpired, the more unsettling things become. Of the six lives lost that day, five were women: an architect and mother of two; a Chinese national studying at the University of Sydney; an artist who was a mother of two and a grandmother; a new mother, who died making the ultimate sacrifice to protect her nine-month-old baby; and a 25-year-old bride-to-be shopping for her big day and for what was ahead of her.

Those victims were targeted and it simply is not fair. The sixth victim, a courageous security guard, died doing his job that day trying to save those women. I thank all the first responders from that day, particularly police inspector Amy Scott. They have done so much to serve our community. I also thank all of those who helped their fellow human beings. That is who we are, and that is what we must hang on to—that selfless helping of other humans in the most dire situations. On behalf of the NSW Nationals, my heart goes out to all the victims and their families, who now have the most unimaginable, heavy loss to bear. I acknowledge the Leader of the Government in this place, who was acting Premier at the time. To lead the State at that time was a difficult thing to have to do. She did it very well. All we can do at this time is wrap every support we can around victims and families, and make sure that we take every step so this can never happen again.

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) (16:49): I acknowledge the tragic events that unfolded at Westfield Bondi Junction. Of course, I extend my deepest condolences to the victims, their families and those who were injured. I extend them also to anyone who was impacted by the tragedy. The violent and senseless nature of incidents like that are obviously deeply confronting for the direct victims and people who were in and around the vicinity. But for the community as a whole, the violent and senseless nature of an act like this is deeply unsettling. We have sensed feelings of distress, anxiety, discomfort and heaviness across our community more broadly, which speaks to the challenge that events like this pose for communities like Sydney.

I extend my thanks to the NSW Police Force and NSW Ambulance and acknowledge their work. In particular I note that many of those paramedics ran into Westfield without knowing whether it was a contained environment. If we think about what it would have been like to be there, we would all feel that distress and anxiety. People were running and screaming in distress. Ambulance staff went into that place without knowing if it was one person or five people and without knowing what weapons they may have had. We know that now and we can talk about what happened, but they did not know that then. Without knowing whether it was safe or whether the environment was contained, ambulance staff went in to offer support to victims. We should acknowledge that incredible bravery.

I acknowledge also our mental health support workers. The mental health response was early and comprehensive. Clinicians were available onsite on Sunday and throughout the week at Bondi Junction and could be identified by their vests. They roamed around Bondi Junction and had around 1,500 conversations over the course of those few days. That ranged from people who wanted to have a chat about how they were feeling to people who, through those conversations, were referred to escalated clinical support if they needed it. Those mental health clinicians made themselves available for that really difficult and distressing time without hesitation and very quickly. They did a really difficult job of talking to people in heightened distress about how they were feeling, and I especially acknowledge them.

Some of those conversations were angry. People were understandably angry. Anger is one of the seven stages of grieving. It is a very normal response to a violent, senseless act for people to be angry. I am angry; women are angry. People are angry that these things happen. Mental health clinicians deal with that anger. I visited the memorial, as I know many did, and spoke to the clinicians who were there. They were very matter of fact about the number of their conversations that were not sad conversations but angry conversations. They dealt with the brunt of that. I thank those mental health clinicians for the thoughtful way they dealt with what was a very normal response on the ground to such a violent and senseless act.

I acknowledge also the broader mental health network, which rallied around the community at large. That particular response at Bondi Junction was comprehensive, efficient and powerful, but Lifeline, the Kids Helpline,

Beyond Blue, the Mental Health Line, phone-based services, chat-based services and text-based services received a much higher volume of calls and contacts over that period from members of the general community who felt distressed and anxious about what happened. Of course, it was incredibly important to process those feelings. It is great to know that when really terrible things happen, there are services and supports available for people to ensure they can work through their completely understandable spectrum of feelings in response to them.

People may have seen the sobering statistic—it is what it is; it is a fact—that Lifeline released on 28 April, a few weeks after the Bondi Junction and Wakeley incidents: that it had received the highest number of calls ever recorded in history. That speaks to the sadness and distress the community is feeling. It is appropriate that members in this place acknowledge that through this condolence motion, particularly for Westfield Bondi Junction. Like many Sydneysiders, I grew up in the eastern suburbs. I served a term on Waverley Council and my dad still lives there. Like many people in Sydney, I have a story to tell about Westfield Bondi Junction. I was there on the Sunday before the events of 13 April with my kids. I was on my way to visit my dad, who still lives in Bondi.

The Premier reflected on how—and it is really important for us to acknowledge this—these innocent, normal things that we do in our everyday lives, like walking to the shops, taking the kids to the Lego shop or visiting Sephora, can turn into moments of deep and abject horror and how confronting that is. That is what is so heartbreaking about the loss of lives and the injuries that were received. These wonderful people, these fellow citizens of ours, were doing what we would all do—normal activities that are expressions of the freedoms we have, like popping down to the shops on a weekend. For that to turn into such a senseless and violent act is deeply shocking and distressing for many.

I add my particular thanks to the mental health clinicians and acknowledge the broader suite of mental health support that is available. I remind those who were directly impacted—people who were there, people who were injured and the families of the victims—that grief is strange and wicked, and it is normal to feel waves of grief long after the events have passed. Tributes like this condolence motion and funerals provide some closure, but there is no closure. People should feel that it is completely normal to have ongoing grief. Support will continue to be made available, of course, for people's physical recovery and for their mental health as well. There is no time limit on that. As a Parliament, we acknowledge that that grief is very real, very raw and ongoing. We commit to being there for people who need it for the long term.

Sydney is such an awesome, vibrant, dynamic and fantastic place to live, and that includes Bondi. The Premier reflected on this, and it is so true: Bondi is known for its glamour, but there is a grittiness to it. Bondi is resilient, and it has the enduring beauty of the beach. That reflects the endurance, the resilience and the ongoing strength of the community. That is true of Sydney as a whole as well. We express our love and condolences to the victims, and we look to the future and to the journey of recovery for those who were directly impacted and for our city as well. We send our love to everyone—to the first responders, to the people who were there and to the people who were directly impacted by this tragedy. Rest in peace to the victims, and our deepest condolences and best wishes to those they have left behind.

The Hon. JEREMY BUCKINGHAM (16:59): On behalf of the Legalise Cannabis Party, I associate myself with the comments of all members in support of the condolence motion. Last month, in a crowded shopping centre at Bondi Junction, where one would least expect it, a senseless and violent act took place. Six people were tragically murdered. On behalf of the Legalise Cannabis Party, at this very difficult time, our deepest sympathies go to the families and friends of those killed. To those injured and those whose lives are now changed forever, they are in our hearts and will remain in our hearts. We pay tribute to the police, paramedics, store staff and shoppers who showed courage and compassion in the face of the most traumatic of circumstances. I commend the motion to the House.

Dr AMANDA COHN (17:00): This tragedy has touched the lives of many people—members of the eastern suburbs community and many across New South Wales and Australia. On behalf of The Greens, I extend our deepest condolences to the family members and loved ones of the victims of this horrific attack. We acknowledge the hundreds of emergency service and health workers who arrived at Bondi Junction or treated patients in hospital. We always expect our frontline staff to be ready when a crisis strikes, but no-one can be prepared for such an unimaginable situation in a setting that we would usually expect to be safe. Health workers at St Vincent's Hospital have described the challenges of the day, as they treated patients and supported family members and loved ones, all while dealing with the regular intake of people needing help. Those workers acted with compassion and professionalism. We must ensure that they receive the psychological and workplace support they need to process the trauma of that day. I acknowledge the commitments just made by the Minister for Mental Health.

In the first hours and days following this incident significant additional and unnecessary distress and confusion was caused by sensationalist reporting and circulating misinformation. This included racism as well as

the perpetuation of stigma about mental illness that may make people less likely to seek help when they need it. The media and the public learned from the family of the perpetrator that he was living with schizophrenia. It is crucial to clarify, as much of the initial reporting did not, that schizophrenia, or mental illness more generally, does not alone explain the violence that occurred. We know that people living with schizophrenia are more likely to be the victims of violent crime, not the perpetrators. Many people with schizophrenia participate fully in community life, including work, when they are well supported with medication and psychosocial support. The longer someone goes without support, the more intense psychosis can become and the harder it is for them to seek help.

We should all be devastated that we live in a society where someone can become so disconnected from his support networks, so disconnected from his community and from mental health care. It is clear from the inquiry underway into community mental health services that the public mental health system is under-resourced. It is reactive and crisis-driven rather than able to provide assertive, continuous care to people with complex and chronic mental illnesses. Not only that, but some performance metrics used by many of our State's mental health services include how quickly someone can be processed through the system rather than the long-term outcomes for that person's wellbeing.

I acknowledge the Premier's comments that the New South Wales mental health system needs a rethink. I hope that the coronial inquiry as well, given the time and the space that it needs to do its important work properly, will shine a light on any more lessons to be learned. I also acknowledge the compassionate response of the local community who came together to support each other at such a challenging time. I hope that at such a difficult time we can come together, look after one another and build a stronger community, not one more divided, including the use of our positions in Parliament.

The Hon. MARK LATHAM (17:02): I join the mover of the motion and earlier speakers in passing on my condolences to the victims of this horrendous crime at Bondi Junction, and also my admiration for the bravery and professionalism of frontline workers involved in responding and, as best they could, healing within the health system. It is a chilling thought. Right across Sydney and beyond people were stunned by this. Part of the Australian psyche now is to regard the shopping mall as the modern village square, which one assumes is a safe environment with people going about everyday activities, joyfully normally, with their families. I am sure the reaction of those victims of the knife-wielding lunatic, and those who witnessed it, was one of shock because they just would not for a moment have imagined it was possible in a space like that. The shock that was experienced adds, I believe, to our admiration for the bravery of those who responded the way they did, particularly the civilians and then obviously the police, the paramedics and the emergency workers.

The Hon. Rose Jackson mentioned the attack at Wakeley and some terrible news. It is distressing to hear that there has been a record number of calls to Lifeline because within the space of three days there were two terrible knife attacks in Sydney—both stunning. In Western Sydney there was the dreadful realisation that a bishop was not safe inside the walls of his own church to deliver a sermon to his congregation. And then there was the horrific response. I can understand the emotion of those who rushed to the scene, but it is never acceptable to take the law into one's own hands and to make the police in particular respond in the way they did to restore law and order. Given the fact that within three days Sydney was stunned by two dreadful knife attacks, I believe it is appropriate for the Parliament to acknowledge the attack in Wakeley. It would be remiss to leave it out, particularly the role of the frontline workers who responded to the attack and also the street violence that followed. I move that the question be amended by inserting at the end:

- (d) expresses its sympathy to the Christ the Good Shepherd Church in Wakeley for the terror knife attack on its bishop and priest on 15 April 2024, and expresses its appreciation to the frontline workers who responded to the attack and the street violence that followed.

Sydney was in a state of shock. I am not offering any encouragement or comfort to those who responded inappropriately by rushing to the site and being violent against the police. The sympathy I have expressed in this motion is for the institution of that church. It is a terrible moment for religious freedom in Australia that there could be a knife attack. The institution of the church should have our sympathy. We, of course, condemn those who responded inappropriately. But, most of all, we should appreciate and honour the role of the frontline workers, in particular the police who restored law and order to that dreadful scene. To complete Parliament's response to the dreadful three days and the two knife attacks, it is appropriate to include recognition of sympathy for Wakeley and appreciation for the frontline workers there.

The Hon. EMMA HURST (17:06): On behalf of the Animal Justice Party, I join my parliamentary colleagues in expressing my sincere condolences to all those affected by the violent attack that occurred on 13 April 2024 at Bondi Junction. In particular, I extend my condolences to the families and friends of the six people who tragically lost their lives in the attack. My thoughts are also with the many innocent bystanders who were injured in the attack and who are continuing to suffer ongoing physical and psychological consequences.

Many of those bystanders put themselves in harm's way to protect others during the attack, showing great courage, bravery and selflessness. I join in thanking all of the first responders who attended the incident at Bondi Junction, including police officer Amy Scott for her actions in bravely approaching the assailant and bringing the violent attack to an end.

This was a shocking, senseless act of violence within our community that simply should not have happened. Nobody should be made to feel unsafe, or have their life threatened, while doing something as simple as being in a shopping centre. It feels unfathomable that this could happen in our State. The circumstances of this case put a spotlight on our mental health system in Australia, and the care and support that we know needs to be funded and made available to those who have complex, long-term mental health issues. We must do better. The apparent targeting of women during the Bondi Junction attack is also particularly disturbing in light of the ongoing scourge of violence against women in this State and in this country, highlighting the need for action in this space, as I am sure will be discussed at length during this sitting.

It would be remiss to talk about the Bondi Junction attack without also mentioning the violent knife attack that occurred at an Assyrian church in Western Sydney only days later. Our thoughts remain with all those injured and affected by that act of violence as well. It has truly been a tragic time for our State, and our thoughts remain with all victims and their families.

The Hon. DAMIEN TUDEHOPE (17:08): I refer to the amendment that has been moved by the Hon. Mark Latham. The Opposition understands in principle the sentiment contained in that amendment. However, I think the Government should be given the opportunity of considering the amendment and perhaps moving its own motion in relation to what occurred at Wakeley. If the Government were so disposed, we would support moving a separate motion in relation to that rather than including the amendment as part of this motion.

The Hon. MARK LATHAM (17:09): By leave: Speaking to my amendment, I am amenable to the suggestion by the Leader of the Opposition; it was just that I saw no motion about Wakeley on the *Notice Paper*. The Wakeley incident has been mentioned by several members now and it would be remiss of the Parliament not to reflect on it. Its aftermath was very different, and the consequences for that are being played out in the legal system, but an attack of that nature on a church is horrific. Given the injuries sustained and the bravery of those who responded, the Parliament does need to say something about it, as it has quite appropriately done regarding the motion before the House regarding the Bondi Junction attack.

The Hon. Damien Tudehope: Do you withdraw?

The Hon. MARK LATHAM: I seek leave to withdraw my amendment on the basis that the Government proceeds as outlined by the Leader of the Opposition.

Leave granted.

Amendment withdrawn.

The PRESIDENT: Thank you, that is much appreciated. I call the Leader of the Government in reply.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (17:10): In reply: I thank all members for their contributions. Our State has been rocked by the events that have occurred in the past few weeks. It has been a challenging time for our community. There is no opposition from the Government to bringing forward a motion relating to the issue raised by the Hon. Mark Latham. We will take that on board and are happy to bring something forward; I say to the member that he is pushing on an open door. We wanted to deal with the Bondi issue separately. In moving this motion without talking about Wakeley, there was no intention to detract from what occurred there. It was a very serious matter that had an incredible impact on not only that religious community but also the frontline responders and police who were involved in that incident. There is a fair way to go with that.

I will end where we began, which is to state that the thoughts of members are with the families who have lost loved ones. None of us can really provide enough comfort for their loss, but they should know that they are in our hearts as they deal with this unimaginable grief. It is important that the Parliament has recognised that today. We wish those who are still recovering all the best for a full recovery. Support is there for them for the long term, not just for today. I say to those who witnessed the incident and were involved in it that we hope to never see it again. I again say to them that there is full support across the Parliament, but specifically from the Government, about the days, weeks and months ahead, some of which will be very tough.

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

Motion agreed to. Members and officers of the House stood as a mark of respect.

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

The Hon. PENNY SHARPE: On behalf of the Hon. Daniel Mookhey: I postpone Government business order of the day No. 1 until a later hour of the sitting.

*Bills***HEALTH LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2024****Second Reading Debate****Debate resumed from 21 March 2024.**

The Hon. BRONNIE TAYLOR (17:15): I lead for the Opposition in the second reading debate on the Health Legislation Amendment (Miscellaneous) Bill 2024. The Coalition supports this bill. Carers and frontline health workers play a vital role in our community so I welcome these amendments, which will help inform and protect them. As Minister Jackson said in her second reading speech, the bill will ensure that legislation within the Health portfolio remains up to date and relevant. Overall, the bill repeals the Health Services Amendment (Ambulance Services) Act 2015 and ensures that all health Acts operate effectively.

Schedule 1 to the bill amends the Assisted Reproductive Technology Act 2007. This amendment stipulates only five gametes, sperm or ova can be provided from each individual IVF donor. This ensures a reduction in the number of half-siblings born using IVF, lowering the risk of future relationships between blood relatives. To do so, providers will be responsible and permitted to request and disclose non-identifying information, which can be shared between State and Territory agencies.

Schedule 2 expands the types of frontline workers included in the 2022 Crimes Act amendments. This will mean a higher penalty for those who assault frontline health workers. There will be an expansion of what is considered a frontline healthcare worker to include GPs and their staff, including customer-facing staff members, who can also be victims of violence. The Opposition welcomes this amendment.

Official visitors are advocates for patients in the drug and alcohol treatment system. Schedule 3 provides a minor administrative amendment allowing a person to be appointed to act temporarily as a principal official visitor if the principal official visitor cannot perform their duties due to reasons such as illness. Schedule 4 amends the definition of a public sector agency in the Health Records and Information Privacy Act 2002 to include a State-owned corporation not otherwise subject to the Commonwealth Privacy Act 1988. The Opposition supports this change, which ensures that the complaints process is streamlined and in line with the changes in the Privacy and Personal Information Act 1998.

Schedule 5 contains two minor amendments to the Medicines, Poisons and Therapeutic Goods Act 2022, which the Opposition supports. We are informed that the current legislation is incorrect, outlining that one offence carries a penalty six times higher for a corporation than an individual for all different tiers of offences under the Act. This will be amended to state that all offences are meant to be five times higher for a corporation. Also under schedule 5, a reference to the Poisons and Therapeutic Goods Act 1966 in the Public Health (Tobacco) Act 2008 will be replaced by a reference to the new Medicines, Poisons and Therapeutic Goods Act when it commences and replaces the Poisons and Therapeutic Goods Act.

Schedule 6 contains amendments to the Mental Health Act 2007. One amendment will mirror the changes in schedule 3, along with two further changes relating to community treatment orders. The Mental Health Review Tribunal sets out these orders and the terms upon which a person must accept medication, therapy and other types of rehabilitation when living in the community. The Opposition acknowledges that there are often situations where a person does not have a fixed residential address or only provides electronic contact information. It is often difficult to serve notice in a situation like this. If the individual does not receive the notice, they cannot comply. Therefore, the first part of the schedule requires handing a breach notice directly to the patient or, if not practicable, posting it to the person's last known address.

Schedule 6 also requires that a person's designated carer be informed when a community treatment order is made or breached. The Opposition agrees that will assist with compliance and help safeguard carers by keeping them better informed. The amendments in schedule 7 and schedule 8 relate to the Public Health Act 2010 and the Private Health Facilities Act 2007. We agree that the health secretary's role needs certainty to authorise matters under regulations and allow regulations to be made.

Finally, schedule 9 makes a minor amendment to the Public Health (Tobacco) Act to allow tobacco inspectors to be appointed under the Act rather than the Public Health Act. The Opposition agrees that this will reduce confusion when tobacco inspectors perform their enforcement functions, by clarifying that they are doing

so as inspectors under the Public Health (Tobacco) Act. The Opposition supports all schedules of the Health Legislation Amendment (Miscellaneous) Bill 2024 as they are essential to ensuring carers and frontline health workers are informed and protected. I thank the staff at NSW Health, who often do all of the work when these types of amending miscellaneous bills are brought forward. They do a terrific job. I commend the bill to the House.

Dr AMANDA COHN (17:20): The Greens support the Health Legislation Amendment (Miscellaneous) Bill 2024. I will speak to a number of the bill's schedules. The bill proposes to repeal the Health Services Amendment (Ambulance Services) Act 2015, which was introduced by the Coalition and never commenced. The Act deregulated ambulance services to open up privatisation of non-urgent patient transport services. In the words of former health Minister Jillian Skinner, the purpose of the bill was to "recognise a role for the private sector" in providing non-emergency transport for a patient. The Greens opposed the Act at the time. My former colleagues called it an erosion of a fundamental duty of the State to provide adequate health care to the people of New South Wales. It is important that the Act is repealed, and The Greens strongly support that.

In regard to the changes to the Crimes Act 1900, the bill will include medical practitioners and their staff who work in private practice, which includes most GP clinics, in the definition of a "frontline health worker" for the purposes of the strengthened assault offences under the Act. The Greens opposed the strengthened assault offences when they were brought in because higher penalties are not a deterrent and we should not have different categories of assault based on occupation. However, given that the provision exists, those health workers should absolutely be counted as frontline health workers, and there are a number of instances where excluding GPs and private medical practice workers as frontline health workers has had a serious impact on their wellbeing and ability to provide quality patient care.

I particularly note that during the height of the COVID-19 pandemic, general practitioners were not classified as 1A frontline health workers to receive COVID vaccination. That caused considerable distress to that workforce but also put patients at risk when GPs were absolutely on the front line seeing patients. Primary care is frontline health care even though it is not delivered in hospitals. Including those workers in the definition of "frontline health workers" is a very useful precedent to make that point.

In regard to the changes to the Mental Health Act 2007, the bill will allow community treatment orders that currently must be served in person or to a person's last known address to be served in other ways, including by email. Currently, if email is the patient's preferred means of contact, community treatment orders cannot be served under the Act. The bill will also make it a requirement for a patient's carer to be notified when a community treatment order is made in respect of a patient or breach by the patient. Those changes are supported by representative consumer and carer groups.

However, the current inquiry into outpatient and community mental health services has heard of significant issues with community treatment orders, particularly that they are being overused as the only means of accessing mental health care in some cases. The Act stipulates that this must be the least restrictive means of providing care in the community to prevent harm to self or others. The inquiry also heard that the Mental Health Review Tribunal does not have the ability to track any meaningful data on community treatment orders to inform policy and practice. That is related to IT issues and the software that the Mental Health Review Tribunal uses.

The Greens support the changes made by the bill, noting how trivial they are in the context of the significant reform needed to the use of community treatment orders, to the resourcing of outpatient and community mental health services, and potentially to the Mental Health Act. It is fairly dystopian to have a government put forward tweaks to allow people to be served their overly restrictive, coercive treatment orders through their preferred means of communication rather than talking about how we improve access to mental health care or how we reduce the overuse of those orders.

With regard to the changes to the Assisted Reproductive Technology Act 2007, the bill will assist providers and regulators to share non-identifying information to ensure there is a limit on the number of families created from one sperm donor. Currently there is a positive duty in New South Wales to ensure fewer than five, and to ensure compliance providers can share information with each other, but not interstate. The Greens support that change. With regard to the Public Health Act, the bill provides certainty to existing regulations by clarifying that regulations can be made under this Act to allow the health secretary to set the requirements for legionella control systems and evidence of vaccinations. The Greens support the fairly minor changes to the Health Records and Information Privacy Act 2002 to amend the definition of a "public sector agency" to include State-owned corporations not subject to the Commonwealth Privacy Act 1988.

With regard to the Medicines, Poisons and Therapeutic Goods Act 2022, the Government states that the bill is correcting a drafting error that listed the maximum penalties for a tier 5 offence committed by a corporation as six times the penalty for an individual whereas it should have been five. The Greens obviously support strong penalties for corporations that break the law but in the context of this being a drafting error that, as we understand

it, is inconsistent with other Acts, this debate is neither the time nor the place to make the substantive argument that penalties for corporations that break the law should be significantly higher than those for individuals.

With regard to the changes to the Drug and Alcohol Treatment Act 2007, the change to ensure that a person appointed by the Minister for Health to act in the role of principal official visitor when they are unwell or otherwise unable to act is uncontroversial and consistent with other ministerial appointments. The changes to the Public Health (Tobacco) Act 2008 allow tobacco inspectors to be appointed under this Act in line with the existing procedures in the Public Health Act, which leaves the power of the inspectors themselves unchanged and is a change to the appointment process.

The changes to the Private Health Facilities Act 2007 provide certainty to existing regulations by clarifying that regulations can be made prescribing compliance with the document as amended from time to time rather than a document published on a specific date. In conclusion, The Greens support the bill notwithstanding the significant and additional work that is needed to support our outstanding frontline health workers and the communities that they serve in New South Wales.

The Hon. EMILY SUVAAL (17:27): I contribute to the debate on the Health Legislation Amendment (Miscellaneous) Bill 2024. The bill encompasses a number of amendments aimed at refining various Acts within the Health portfolio. Those Acts are the Assisted Reproductive Technology Act; the Crimes Act; the Drug and Alcohol Treatment Act; the Mental Health Act; the Health Records and Information Privacy Act; the Medicines, Poisons and Therapeutic Goods Act; the Private Health Facilities Act; the Public Health Act; and the Public Health (Tobacco) Act. The bill also repeals the Health Services Amendment (Ambulance Services) Act.

Notably, the bill will introduce amendments to provisions relating to community treatment orders under the Mental Health Act. Community treatment orders enable mandatory treatment of mental illness in the community rather than requiring treatment in a hospital. Community treatment orders are orders made by the Mental Health Review Tribunal which set out the terms upon which a person must accept medicine and therapy, or counselling, management and rehabilitation, and other services while living in the community. Where a person is not compliant with the order, a mental health service can take steps to breach a person and, if necessary, require that they be taken to a hospital for treatment. There are important procedural steps that need to be taken before this can occur, including giving notice to the patient that they may be breached.

The bill will broaden the methods of serving community treatment orders beyond in-person delivery or by mail to the patient's last known address. It will permit service of these orders by other means, including email, modernising the notice process. Secondly, the bill mandates notification of a patient's principal care provider or designated carer upon the issuance of a community treatment order or breach of an order in respect of a patient. The bill will allow for the appointment of an acting principal official visitor in cases where the principal official visitor is not able to act in their statutory role. The amendments to the Mental Health Act in the bill aim to enhance the accessibility and efficiency of mental health care delivery by broadening the methods of service of community treatment orders.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): Order! It being 5.30 p.m., according to sessional order, proceedings are interrupted for debate on committee reports and Government responses.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. BOB NANVA: On behalf of the Hon. Aileen MacDonald: I postpone committee reports and Government responses order of the day No. 1 until a later hour of the sitting.

The Hon. BOB NANVA: On behalf of Ms Sue Higginson: I postpone committee reports and Government responses order of the day No. 2 until a later hour of the sitting.

Committees

STANDING COMMITTEE ON LAW AND JUSTICE

Report and Government Response

Debate resumed from 6 February 2024.

The Hon. CHRIS RATH (17:31): I take note of the 2023 Review of the Workers Compensation Scheme. I start by thanking the committee chair, the Hon. Greg Donnelly, and all of the other members of the committee, who worked through the evidence and the submissions in hearings during this term of Parliament. However, I note that a lot of work had already been done in the previous term of Parliament. The committee found itself in the strange situation where all of the submissions and evidence came from hearings that were conducted during the

previous Parliament, but for various political reasons that I will not go into, it did not get the chance to finalise the report. We were very fortunate that the evidence was brought forward to the new Parliament and none of it was lost, because it was invaluable to hear from stakeholders, including icare and the State Insurance Regulatory Authority [SIRA], injured workers and insurers—all the different participants in the market. Overall, we worked very well together. The committee was multipartisan, which is what you want from a subject matter committee like the Standing Committee on Law and Justice, where members work closely together to try to investigate a particular policy area that should be above politics.

There is a lot of work to do in the workers compensation space. The report's 18 recommendations were adopted unanimously by the committee. There was no dissenting report. To a large extent there was agreement between members on the need for workers to get back to work as quickly as possible, for return to work rates to go up and for psychological claims to go down. We do not want people to suffer psychological injuries in the workplace—or physical ones, for that matter—but over the past few years there has been a substantial increase in the number of psychological injury claims. The report gives some insights into that and makes some invaluable recommendations. The committee wants the scheme to be financially sustainable. The huge amount of time for people to get back to work and the drastic increase in psychological claims are related and no doubt are two of the drivers behind the financial deterioration of the workers compensation scheme. The committee does not want to see that because taxpayers will have to foot the bill or small businesses will see a drastic increase in their premiums, neither of which is ideal for the people of New South Wales.

Importantly, recommendation 1 states that SIRA, icare and all aspects of the New South Wales Government should work through the McDougall review. Sometimes reviews—either at a parliamentary level or independent reviews like the McDougall review, which was initiated by the previous Government—put forward recommendations and then the reports are put into a bottom drawer and not implemented, which the committee does not want to see. SIRA and icare are slowly working through the 49 recommendations in the McDougall review, but they can only do so much reform on their own from a departmental perspective. More reform will eventually have to come from the Parliament to ensure the financial sustainability of the workers compensation scheme. SIRA and icare are doing their job, but eventually they will have to come to us for legislation to address the declining return to work rates and increasing number of psychological injuries.

One thing the committee saw in its inquiry was an increase in the number of secondary psychological injury claims, where essentially people start out with a physical injury at work but then either the adversarial nature of the scheme or a sustained period out of work lead to a psychological injury as well. That is a very dangerous position to be in, which we have to address because we do not want to see secondary psychological injury numbers go up. Ideally, they should not occur because of the adversarial nature of the scheme. If the scheme creates a secondary psychological injury to someone, then obviously we need to look at improving the scheme.

The previous Government did a lot that it should be incredibly proud of to address compulsory third party [CTP] insurance. It started the tough process of reforming workers compensation, and I do not envy the position the current Government finds itself in. The scheme is very complex and not as financially sustainable as it should be. Some of the psychological claim and return to work figures are horrifying, but had the Opposition won the election, it would have been in the same position. Workers compensation requires tough reform. It is not easy to go through the scheme line by line to try to find areas for improvement.

Some of the other recommendations in the report are very good. I hope the Government takes its response seriously and does not just support the committee's recommendations in principle but actually addresses and implements them. In particular, recommendation 15, which looks at commutation settlements, should be addressed. People should not be put through the claims process endlessly, for years and years on end—which is certainly the nature of the long-tail claims system like workers compensation and CTP—and be trapped in the system forever. A scenario of commutation settlements where people are essentially given a lump sum, which allows them to manage their own affairs and may get them back to work sooner, is good for the Government, for the financial sustainability of the scheme and for the injured party. We should look in particular at recommendation 15. It is much easier in a defined benefits scheme where you can essentially just pay because the settlement is defined. It is harder in a common law situation, such that most workers compensation is in.

I sum up by saying that a lot of reform needs to be done. I hope that it can be done in a bipartisan way. As I said, I do not envy the position of the Government. I am sure that in a couple of years we will be able to have another look at it. By working together, hopefully we will see psychological claims and physical injuries go down—nobody should be injured at work, psychologically or physically—return to work rates go up and the financial sustainability of the scheme improved, not through increasing premiums on small businesses but because the structural reform that is required for a sustainable scheme has been done. I thank each member of the committee in this Parliament, under the leadership of the Hon. Greg Donnelly, and in the previous Parliament when I was its Chair. I commend the report to the House.

The Hon. MARK BUTTIGIEG (17:41): I take note of the report entitled *2023 Review of the Workers Compensation Scheme*. This is a very important review. Having experienced the fallout from the workers compensation scheme firsthand as a union organiser, I say there is no doubt that, as the Hon. Chris Rath correctly pointed out, there is a level of dysfunctionality in this system that is causing workers real pain physically and psychologically. We are at a critical juncture now where the Government was elected on the back of reforming this system. There is a determination on behalf of the Minister to do just that. The Minns Government welcomes the important contribution of the Standing Committee on Law and Justice, or the SCLJ, to the New South Wales Government's commitment to begin the long-overdue reform of the State's workers compensation system. The committee delivered the *2023 Review of the Workers Compensation Scheme* on 5 December 2023. As the Hon. Chris Rath pointed out, on 4 March 2024 the Government provided a response to Parliament on the recommendations in that report and supported, or supported in principle, every one of them.

The workers compensation scheme provides compulsory insurance cover for more than 4.7 million employees in New South Wales and is funded by approximately 350,000 employers. Around 115,000 compensation claims are made each year for work-related injuries and diseases. Under section 27 of the State Insurance and Care Governance Act 2015, the SCLJ supervises the operation of the workers compensation scheme. The committee reviewed the operation of the scheme, focusing in particular on psychological injuries in 2022 and 2023, and tabled a report in the Legislative Council on 5 December 2023. Workers compensation claims for psychological injuries have significantly poorer return to work rates, and the figures are quite stark. Around 88 per cent of employees with a physical injury are back at work within three months. Approximately 50 per cent of employees with a psychological injury remain off work after 12 months. In New South Wales, psychological injuries cost an average of four times the claims cost for physical injuries.

The Standing Committee on Law and Justice highlighted a significant increase in the number of workers compensation claims for psychological injuries in recent years and explored perceived problems in claims management for these types of injuries. The SCLJ questioned whether the current workers compensation system is fit for purpose for dealing with these injuries. The committee noted that a number of witnesses had indicated that the current scheme was primarily designed to deal with physical injuries, rather than psychological injuries. The SCLJ made 18 recommendations, proposing a significant program of review and reform intended to ensure that the workers compensation scheme meets the needs of contemporary workplaces and provides appropriate support for workers with psychological injuries.

The report focused on improving claims management for psychological injuries, legislative reform and the return to work performance of government agencies. It recommended improved government collaboration and strategic action between the State Insurance Regulatory Authority [SIRA], SafeWork, icare and NSW Treasury. The Government supported all recommendations in full or in principle, and provided information on the actions that are being taken by icare, SIRA, SafeWork NSW and NSW Treasury. In response to the committee report, the Government undertook to take a targeted review of workers compensation claims management requirements, focusing on claims management processes and practices, and committed to considering all the claims management issues identified by the committee. The Government agreed to examine options for addressing perceived issues relating to independent medical reviews, assessment of whole-person impairment, and increasing access to commutation settlements. The Government thanks the Standing Committee on Law and Justice for the important report, as well as all witnesses, groups and members of the public who made submissions.

While not being directly involved with that committee continuously, I did substitute in from time to time. The committee has delivered a well-targeted, pertinent report that addresses all the issues that I experienced in the workplace as an organiser, particularly the issue of psychological claims. It is clear to me that the system is not fit for purpose for those sorts of claims. It was largely a system designed for physical injury. As my colleague the Hon. Chris Rath pointed out, this system where claims are frustrated, mishandled and processed poorly also exacerbates the psychological damage that the recipient suffers. The report identifies these processes, and the areas that it has targeted to address are the pertinent ones to assess. The Government is committed to reforming this system. The statistics show the number of people who are affected—real people with real lives, day to day in the workplace—and it is an essential part of the reform area of this Government. Again, I thank the committee for the important report.

Debate adjourned.

MODERN SLAVERY COMMITTEE

Reports

Debate resumed from 6 February 2024.

The DEPUTY PRESIDENT (Ms Abigail Boyd): The question is that the House take note of the report entitled *Review of the Modern Slavery Act 2018*.

Motion agreed to.

Bills

HEALTH LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2024

Second Reading Debate

Debate resumed from an earlier hour.

The Hon. Rose Jackson: Had you finished, Emily?

The Hon. Emily Suvaal: I hadn't, but I'm happy to be finished.

The Hon. Bronnie Taylor: Do you want to incorporate the rest of your speech?

The Hon. EMILY SUVAAL (17:50): I seek leave to have the remainder of my contribution to the second reading debate incorporated in *Hansard*.

Leave granted.

In addition, mandating that a patient's designated carer or principal care provider be notified on the making or breaching of a community treatment order involves caregivers in the treatment processes and recognises the invaluable role that they play in supporting a patient with mental illness and maintaining continuity of care beyond clinical settings. Lastly, the provision for appointing an acting principal official visitor aims to ensure accountability and oversight of mental health facilities are not interrupted.

In addition to the mental health reforms, the bill includes minor amendments to other health Acts to ensure the smooth operation of those Acts. It clarifies procedures for the making of regulations under the Public Health Act and Private Health Facilities Act to streamline existing processes within NSW Health. Amendments to the Public Health (Tobacco) Act aim to facilitate the appointment of tobacco inspectors under that Act, and to rectify a drafting error concerning a reference to the Medicines, Poisons and Therapeutic Goods Act. The bill is part of the Government's regular review of legislation to ensure that the legislation remains up to date and fit for purpose. The bill will also ensure that legislation continues to respond to the needs of the community and those living with mental illness. I commend the bill to the house.

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (17:50): In reply: I thank members for their contributions to debate on the Health Legislation Amendment (Miscellaneous) Bill 2024, including the Hon. Bronnie Taylor for the Opposition, Dr Amanda Cohn and my colleague the Hon. Emily Suvaal. That is a list of the women who are the leaders in health in this Chamber, speaking entirely appropriately on this series of miscellaneous amendments. I note a couple of things. My understanding is that amendments to the bill will be moved, and I indicate that the Government will be supporting those amendments. I thank the Opposition for working with us on those.

I address the issue of community treatment orders that was raised by Dr Amanda Cohn in her contribution. I acknowledge that issue, and I note that there was evidence received in the parliamentary inquiry that she chaired that community treatment orders are being used as a bit of a crutch for a system that is struggling under the weight of the prevalence and complexity of mental health orders that we are seeing. The Government is up for a sensible conversation about how we use community treatment orders.

To be clear, community treatment orders are entirely necessary in the mental health context. It is appropriate that we have orders like community treatment orders to ensure that people who we want to be living safe and stable in the community are complying with orders in relation to their treatment to ensure that they are keeping themselves and the people around them safe. There is a valid and entirely appropriate basis for using community treatment orders in appropriate circumstances to ensure that people receive the treatment that they need and, if that is not happening, to escalate that, as I said, as a safety measure for themselves and the people around them. But, of course, they are intrusive in some ways. They require people to comply with certain behaviour around medication and other treatment, and so they should be used appropriately and sensibly.

As Dr Amanda Cohn suggested, some evidence has been provided that they are being overused because other forms of community mental health treatment are not available. We are absolutely willing to look at that. We do not want community treatment orders used in that way. We want people to have confidence in them and to comply with them, and for the community to understand the circumstances in which they are being used. This bill—a bit of a clean-up bill of health amendments—is not the place for that broader conversation. We can do two things at once. We can make minor amendments to health legislation to ensure that things work well and also have a broader, deeper, more comprehensive conversation about the operation of the mental health system and the use of community treatment orders more broadly.

Community treatment orders, as I said, are necessary and important and should be able to be communicated to consumers in a broader variety of ways than they are now. The provisions in the bill, which simply allow community treatment orders to be communicated by forms of email or other forms of contact, and for breaches of those to be notified to carers, are very sensible but quite minor amendments to the way in which they work. I give a commitment to Dr Amanda Cohn that the issues she raised do not go unheard or unnoticed. This is a miscellaneous bill to clear up a couple of issues and inconsistencies in health legislation. The changes to community treatment orders are sensible and quite minor but will ensure that they work better. The broader conversation can then happen later. With those brief comments, I commend the bill to the House.

The DEPUTY PRESIDENT (Ms Abigail Boyd): The question is that this bill be now read a second time.

Motion agreed to.

In Committee

The CHAIR (The Hon. Rod Roberts): There being no objection, the Committee will deal with the bill as a whole. There is one sheet of amendments containing one amendment only.

The Hon. BRONNIE TAYLOR (17:57): I move Opposition amendment No. 1 on sheet c2024-057:

No. 1 **Responsibilities with respect to immunisation**

Page 10, proposed Schedule 8[2] and [3], lines 6–14. Omit all words on the lines.

I do not intend to waste the Committee's time. I thank the Government for its collaborative effort in working on this amendment. It is very much appreciated. Amendment No. 1 makes the bill slightly stronger. It is self-explanatory. I thank the staff, the committee and the Government for the fantastic way in which they have worked on the amendment, and I commend it.

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (17:58): As I indicated in my speech in reply, the Government supports the amendment. As the Hon. Bronnie Taylor said, the Opposition discussed the amendment with the Government, and we appreciate the dialogue. There are no concerns from our point of view. I should have said in my speech in reply that I thank the NSW Health staff who were involved in pulling together all of the amendments in the bill. They are responsible for a lot of legislation, and they diligently take note of all the little bits and pieces and iron out all of the kinks, working towards making sure we have the best legislative regime in New South Wales.

I thank the staff at NSW Health for that work and for making sure that people have confidence in our legislation—that it is clear, coherent, understandable and consistent. I also thank my staff and the staff from Minister Park's office. I do not do a lot of legislation in my portfolios; it is not legislation heavy. Sometimes I can be a bit rusty when it comes to these processes. I put on record my thanks to my staff and to Minister Park's staff for holding my hand as we go through legislation. The Government supports the amendment.

The CHAIR (The Hon. Rod Roberts): The Hon. Bronnie Taylor has moved Opposition amendment No. 1 on sheet c2024-057. The question is that the amendment be agreed to.

Amendment agreed to.

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

Motion agreed to.

The Hon. ROSE JACKSON: I move:

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

Motion agreed to.

Adoption of Report

The Hon. ROSE JACKSON: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. ROSE JACKSON: I move:

That this bill be now read a third time.

Motion agreed to.

JURY AMENDMENT BILL 2023

First Reading

The Hon. MARK BUTTIGIEG: On behalf of the Hon. Daniel Mookhey: 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.

Second Reading Speech

Debate resumed from 19 October 2023.

The Hon. MARK BUTTIGIEG (18:04): On behalf of the Hon. Daniel Mookhey: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Jury Amendment Bill 2023. The bill makes a number of amendments that will improve the efficiency of jury empanelment, provide enhanced support for jurors to perform their role and reduce the expenditure of resources on trials that are ultimately aborted or result in hung juries, where possible. The bill also implements the single recommendation of the statutory review of the amendments made to the Jury Act 1977 by the Jury Amendment (Verdicts) Act 2006, which introduced majority verdicts in criminal proceedings in New South Wales. The statutory review concluded that the policy objectives of the Jury Amendment (Verdicts) Act 2006 remain valid and that the terms of the amendments are largely appropriate for securing the policy objectives, with one exception.

The statutory review's single recommendation was that the minimum statutory period required for deliberation before a majority verdict can be returned should be reduced from eight hours. It recommends that a majority verdict should be permitted to be returned in criminal proceedings, if a unanimous verdict has not been reached, after jurors have deliberated for not less than four hours, rather than eight hours, where other statutory requirements are satisfied. The bill will implement that recommendation. The remaining amendments in the bill were identified through a review of indictable processes in the District Court and Supreme Court, led by the Chief Judge of the District Court, the Hon. Justice Derek Price. The review identified ways to streamline jury processes and ensure that juries in New South Wales operate and are managed in the most efficient and effective way. It also sought to ensure that jurors are provided with the best possible support to make their significant contribution to the justice system. This bill will implement recommendations made through this review.

Importantly, the Government has worked closely with experts to ensure that the proposed amendments achieve their intended aim. The Department of Communities and Justice consulted heads of jurisdiction and other members of the judiciary and key government and legal stakeholders, during both the statutory review and the development of the amendments in the bill. Extensive consultation occurred with stakeholders responsible for overseeing and managing the selection and operation of juries, including the NSW Sheriff's Office, the District Court and the Supreme Court. The Local Court and the Coroners Court were also consulted. Targeted consultation was also undertaken with legal stakeholders, including Legal Aid NSW, the Law Society of New South Wales, the New South Wales Bar Association, the Public Defenders, the Aboriginal Legal Service, the NSW Police Force and the Office of the Director of Public Prosecutions. The Judicial Commission of New South Wales, the Premier's Department, the Cabinet Office and NSW Treasury were also consulted. Further consultation was undertaken on the drafting and final form of the bill.

I now turn to the substance of the bill. Item [1] of schedule 1 to the bill adds a note to section 14A (d) of the Jury Act to clarify what constitutes "good cause" for the purposes of seeking an exemption or excusal from jury service. The amendment clarifies that "good cause" includes any circumstances that could affect a person's ability to perform the functions of a juror and extends to temporary disabilities or other physical or mental conditions. This is intended to support the breadth of discretion that the sheriff and courts have when considering applications for exemption or excusal. This will improve efficiency by ensuring that jurors who will not be able to properly perform the role of a juror are excused before they are empanelled to a jury. Removing these jurors early will reduce the risk of trials not being able to continue because a juror needs to be excused or discharged during the trial. This is intended to avoid unfairness or inefficiencies caused by jurors needing to be discharged during a trial in circumstances where it would have been appropriate for them to be exempted or excused from services as a juror.

Item [2] expands the test for the selection of additional jurors in criminal proceedings in the Supreme Court or the District Court. Currently the test under section 19 (2) allows the court to order up to three additional jurors

if satisfied that the length of the trial necessitates it. The current provisions fail to recognise that, while the length of the trial is a significant factor influencing the need for additional jurors, certain trials carry an increased risk of juror attrition that is not due to the duration. New sections 19 (2) and 19 (3) will allow a judge to empanel up to three additional jurors if satisfied it is necessary due to the nature, likely duration or complexity of the proceedings. This amendment retains the ability of the court to consider the length of the trial but also introduces new factors that the court can consider.

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

Leave granted.

The amendment includes an example of what sort of trials may require additional jurors in relation to these new factors, namely a trial that involves distressing or sensitive material.

This amendment will provide the courts with further scope and discretion to empanel more jurors where appropriate. It is intended to guard against the impact of juror attrition, including wasted resources, delay, and trauma for complainants and witnesses.

Empanelling additional jurors reduces the risk that juror numbers will fall below the number required for the trial to continue under section 22 of the Jury Act or for a majority verdict to be reached under section 55F.

Schedule 2 to the bill makes one consequential amendment to the Jury Regulation 2022 as a result of this amendment.

Item 3 enables all requests to be excused from jury service to be made either verbally or in writing. Currently section 38 (3) only allows applications to be made in writing if they relate to the person's health or may cause embarrassment or distress if made public. If they do not fall within these categories, the person must make their request to the judge or coroner directly.

This amendment is based on stakeholder feedback that a verbal explanation is not necessary, and may disincentive some potential jurors from making valid applications, even if the cause for excusal is not health related or embarrassing or distressing.

In response to this feedback, this amendment removes the requirement for a verbal explanation in order to make the process easier and less distressing for potential jurors who may not be comfortable seeking excusal verbally.

This amendment also seeks to avoid the negative impacts of juror attrition.

If a written excusal application is made and further context is required, a judicial officer or the Sheriff can discuss the written request with the person, if needed. Importantly, this amendment still allows for excusal applications to be made orally if that is the person's preference. **Item 4** corrects an incorrect cross-reference to support this amendment.

Item 6 enables a court or coroner to order the selection of a replacement juror if a juror dies or is discharged before the judge or coroner commences their opening remarks.

Currently, under section 53C, if a juror dies or is discharged, the court or coroner has only two options, either discharge the jury or continue the trial with a reduced number of jurors, if continuing would not carry the risk of a substantial miscarriage of justice.

These limited options do not sufficiently address circumstances where a juror is discharged or dies *very early* in trial proceedings, namely before the judge or coroner has given their opening oral directions to the jury.

Where this occurs, the whole jury may need to be discharged due to fairness concerns, even though the jury would not yet have heard any evidence. This is because continuing a trial with a reduced number of jurors from the outset carries a greater risk that the trial will become unviable, or that a majority verdict will not be available, if there are further reductions in juror numbers.

The proposed section 53D would introduce a new, middle ground option for trials to continue by empanelling a replacement juror if the juror is discharged or dies before the commencement of opening remarks. This amendment will reduce the likelihood of whole juries being discharged very early in the proceedings.

Item 7 removes the requirement for a court to make an order permitting the jury in criminal proceedings to separate at any time after the jury retires to consider its verdict.

Under section 54, a jury can only separate during deliberations if allowed by a court order. This rule stems from the historical rules that required juries to remain together and seclude themselves while they deliberate.

The need to keep jurors physically separate from society no longer addresses the ways in which jurors may be influenced, and therefore these orders are no longer considered necessary in most cases. This amendment removes this outdated technical requirement and increase trial efficiency.

It will bring New South Wales in line with other jurisdictions, where there is no requirement for the court to make order to allow jurors to separate.

While the proposed new section 54 removes the historical requirement, it still provides the court the ability to order that a jury do not separate if deemed necessary in the circumstances of a particular proceeding.

Item 8 implements the single recommendation of the statutory review by amending section 55F to enable a majority verdict to be returned by a jury in criminal proceedings where a unanimous verdict has not been reached after the jurors have deliberated for not less than four hours. This amendment will replace the existing test which requires jurors to deliberate for at least eight hours.

Importantly, a majority verdict may only be returned in criminal proceedings where:

- a. the jury consists of not less than 11 persons,
- b. a unanimous verdict has not been reached after the jurors have deliberated for a period of time that the court considers reasonable having regard to the nature and complexity of the criminal proceedings (currently, that reasonable period must be "not less than 8 hours"), and

- c. the court is satisfied, after examination on oath of one or more of the jurors, that it is unlikely that the jurors will reach a unanimous verdict after further deliberation

The bill would only amend the minimum deliberation period. The jury will still need to consist of 11 or more jurors, and the court needs to be satisfied that the jury has deliberated for a reasonable period and that it is unlikely a unanimous verdict could be returned.

During the statutory review consultation process, the majority of stakeholders submitted that eight hours has been demonstrated to be too long a minimum period of deliberation in many circumstances. This minimum deliberation period was considered inappropriate for securing the overall policy objectives of the majority verdicts amendments.

Stakeholders that supported reducing the deliberation period had differing views as to the appropriate minimum period, with four hours being the most commonly suggested period.

The review concluded that requiring juries to deliberate for eight hours was inefficient, creates additional costs and contributes to trial backlogs. It can also cause issues related to juror safety and wellbeing as extended periods of deliberation may lead to disagreements and undue pressure being placed on jurors who do not agree.

After considering the submissions received and comparable frameworks in other jurisdictions, the review determined that reducing the minimum deliberation period to four hours strikes the appropriate balance between maintaining a statutory safeguard against a premature majority verdict, while avoiding unnecessary expenditure and stress.

This amendment would bring New South Wales in line with the majority of other Australian jurisdictions, where a minimum of four hours deliberation or less is required. New South Wales and Queensland currently have the longest minimum deliberation period, with both requiring eight hours of deliberation. The remaining jurisdictions' minimum periods range from six hours in the Northern Territory to no minimum period in Victoria.

Item 9 expands the definition of employee in Section 69 and 69A to include part-time employees. The existing sections 69 and 69A are intended to prevent employers from dismissing or prejudicing employees because they are summoned to serve as a juror. However, this protection does currently not cover part-time employees.

This amendment will provide part-time employees the same protections against adverse workplace treatment that full-time and casual employees currently have.

Item 10 provides that the Sheriff may, with the consent or at the request of the court, investigate if there is a reason to suspect that any part of the trial may have been affected by improper conduct.

Currently section 73A only provides the Sheriff with the power to investigate if there is a reason to suspect that the improper conduct may have affected the verdict itself. This precludes sheriff's officers from investigating conduct where there is no verdict.

Improper conduct may occur at any time during a trial and needs to be investigated. Any improper conduct has the potential to impact the outcome of a trial and the integrity of the jury system, even where improper conduct does not affect a verdict.

Item 11 further extends the circumstances in which the Sheriff may investigate improper conduct by permitting investigations into conduct committed by another person, rather than just the conduct of the juror themselves.

The purpose of this amendment is to broaden the scope of section 73A to allow the Sheriff to investigate improper conduct toward or directed at a juror, as well as conduct by a juror, at the request of the court.

Currently the law does not permit the Sheriff to investigate conduct of third parties, as this is the responsibility of the police. Enabling the Sheriff to conduct such investigations will be timelier and will better ensure that trials are able to run efficiently. In cases where improper conduct is sufficiently serious, the court may refer the matter to police for investigation.

Item 12 provides that a summons, notices, or other document related to jury service authorised under the Jury Act may be served on a person via email. This will only occur if that person has nominated their preference for email service and provided the Sheriff with a preferred email address for service.

Currently, section 75 requires jurors to be summoned via postal service. The requirement involves vast numbers of letters being sent to potential jurors with the aim of getting sufficient numbers of persons to serve on a jury. Sending summonses, notices or documents to a person's email address would alleviate the administrative burden of postal service. It will also assist potential jurors to receive and respond to summons by permitting the use of direct hyperlinks to the juror portal and other useful information.

The amendment will only apply where the potential juror has consented to the use of their email address and provided it to the Sheriff for that purpose.

Item 13 makes an amendment of a transitional nature.

Commencement

The bill provides that, if passed, the new provisions will commence on a day or days to be appointed by proclamation.

Conclusion

Before concluding, I thank those who contributed to the development of this important reform. I acknowledge the work of representatives from the NSW Sheriff's Office, the Supreme Court and the District Court and extend special thanks to the Hon. Justice Derek Price, Chief Judge of the District Court, and those in the Department of Communities and Justice that have been instrumental in this work.

I would also like to thank the people of New South Wales that dedicate their time to serve as jurors. Your contribution is an essential and valued part of our justice system.

This bill will improve the operation and management of juries in New South Wales.

Second Reading Debate

The Hon. SUSAN CARTER (18:10): The jury system has long been a feature of our common law system, but the role of the jury has changed significantly over time. The very first juries, empanelled to assist William the Conqueror in the compilation of the Domesday Book, were a mechanism to ensure efficient tax collection and that local farmers were not hiding cows or crops from the king.

The Hon. Daniel Mookhey: How did that work out?

The Hon. SUSAN CARTER: Very well for the king. Those juries were not meant to be impartial auditors of proceedings with no background knowledge and no existing views of those appearing before them. They were empanelled precisely because they did know the locals and who was likely to be telling the truth. Their role was to understand local languages and customs, and often to translate for the king and his Norman officials. In the twelfth century, when the administration of justice began to be centralised into the king's courts, which would dispense a justice common to all throughout the kingdom, a significant problem arose. The legal solutions to common problems might be common throughout the land, but the law of evidence had not yet been developed to a point where efficient methods of testing the facts, to which those legal solutions would be applied, had come into existence.

So the jury of the Domesday Book took on a new life. For every case heard in the king's court at Westminster, a local jury would be required to attend by a writ issued by the king's representative, the shire-reeve or sheriff. The jury was not meant to be impartial and come fresh to the matter. Their role was to understand the facts of the case before they attended the court and help the court to determine who was telling the truth, not based on a sophisticated system of cross-examination but on what they knew of the veracity and the background of the litigants appearing before the bench. By the thirteenth century the jury was fixed at our familiar 12—all, of course, men. By the sixteenth century the jury took on a more modern character, with jurors no longer asked to decide cases based on their own knowledge but rather only on the basis of the information they received in court.

That style of jury continues to this day. We no longer require a priest to be a member of every jury, and we now expect jurors to be guided only by what they hear in court and not to make their own inquiries about the matters presented to them. If they know the litigants, they are now ineligible to serve as jurors on that case. But their role is just as critical to the operation of the justice system as it has always been. The jury is the arbiter of fact and decides what has actually happened in a matter. Juries are still the familiar 12 in criminal matters. Majority verdicts are now permitted in certain circumstances. But the jury is still, as far as practicable, designed to be the jury of one's peers, insisted upon in the Magna Carta. In fact, it was that very requirement that delayed the introduction of the jury trial in New South Wales for so long. Because the squattocracy were convinced that the freed convicts could never form a jury of their peers, they kept blocking the notion of the jury. As Blackstone in his *Commentaries on the Laws of England* observed of the importance of the jury system:

[A] competent number of sensible and upright jurymen, chosen by lot from among those of the middle rank, will be found the best investigators of truth, and the surest guardians of public justice. For the most powerful individual in the state will be cautious of committing any flagrant invasion of another's right, when he knows that the fact of his oppression must be examined and decided by twelve indifferent men ...

Trial by jury was a demand in Magna Carta, and its absence a justification for the revolt of the 13 United States colonies and the Declaration of Independence. It is a fundamental pillar of the rule of law and of our common law system, and should not be subject to change without careful consideration. But, as this survey of the development of the jury indicates, it has changed over the years, and it is appropriate to consider sensible change to help juries operate more efficiently. To the extent that the Jury Amendment Bill seeks to improve the efficiency of jury empanelment and its operation, the Opposition is happy to support it. Many of the proposed amendments derive from the review of indictable processes led by the then chief judge of the District Court, the Hon. Derek Price.

The changes will enhance support for jurors and reduce the likelihood of aborted trials and hung juries. They introduce practical measures to arrest juror attrition. The amendments will also provide a broader discretion as to who is empanelled and facilitate additional or replacement jurors where appropriate. The changes are welcome as they strengthen the justice system and provide a fairer process for all litigants. The amendments also recognise that modern jurors use email—a very sensible change.

However, there is a serious concern with item [8] in schedule 1 to the bill. It seeks to amend section 55F to cut in half the minimum deliberation time before a majority verdict may be returned. Currently, jurors must deliberate for at least eight hours before the court is able to consider accepting a majority verdict of 11 of the deadlocked jurors. That eight-hour rule has always been seen as a safeguard because it guarantees that a majority verdict may be returned only when it is clear that a unanimous verdict is unlikely to be forthcoming after the jury has had sufficient time to consider its verdict. In effect, it required the jury to "sleep on it" before deciding that a unanimous verdict was not possible. Something as serious as personal liberty requires serious consideration and

no clear case has been made for why we should move away from that safeguard. We are opposed to that change and will be supporting an amendment to the bill that will retain the safeguard. The cut in time is a literal shortcut to the criminal justice system and must be opposed. Subject to that amendment being passed, we are happy to support the bill.

Ms SUE HIGGINSON (18:16): The Greens will not support the Jury Amendment Bill 2023 as proposed. I indicate that I will move amendments during Committee of the Whole. The right to a fair trial is one of the few fundamental expressed rights within this country and within our democracy. In a mature democracy, we have a duty to ensure there is no further departure from that cornerstone. Unanimous verdicts in criminal trials are considered central to the fair criminal trial. New South Wales has already departed from that foundation to majority verdicts. The Greens' position is consistent with the experts in the field, who have indicated that the Government has not presented a reasoned or evidence-based case for the watering down of that fundamental right that this piece of legislation would usher in.

The main function of the bill is to reduce the minimum deliberation time for juries before a majority verdict can be reached. It prescribes a reduction in time from eight hours to the arbitrary four-hour period. Jury deliberation is the most critical stage of a criminal trial, and the current eight-hour minimum deliberation time acts as an essential safeguard against the miscarriage of justice. We are not just talking about a minor miscarriage of justice; we are talking about the very grievous wrongful conviction. When the eight-hour rule was introduced—which, let us remember, was a watering down of the fundamental premise that a unanimous jury verdict is required as a central tenet of a fair trial—the very good then Attorney General the Hon. Bob Debus said:

Eight hours of court time must elapse before a majority verdict can be considered, and still then a judge can advise the jury to further deliberate ... The practical effect of having an eight-hour threshold instead of six hours is that a jury will be compelled to deliberate for more than one court day before it or a judicial officer can entertain a majority verdict. Until eight hours has elapsed, it must strive to reach a unanimous verdict.

The reduction in deliberation time is an ill-fitting function in an apparent attempt to free up the courts. We have to look at that. Jury trials make up around 3.5 per cent of criminal trials in New South Wales because most criminal matters are dealt with in the Local Court. This is an arbitrary cost-cutting exercise which, if passed, could ultimately result in serious infringement on the right to a fair trial and risk worsening justice outcomes.

The Hon. Susan Carter clearly explained the history of the right to a fair trial, but it has been part of the common law for six centuries now. It is so intrinsic that it is one of the few rights embedded in the Constitution, under section 80. This bill has been consistently opposed by civil society organisations, criminal law experts and politicians across the spectrum. In January this year I had the privilege to sit on the inquiry into the bill. The Government heard in no uncertain terms that its case for reducing the statutory amendment period has not been made out. There is a stark absence of evidence.

It is important to note the shadow statement of public interest [SPI] prepared by the Susan McKinnon Foundation, which makes some pertinent observations. The purpose of these documents is to try to improve the way we present statements of public interest. This one is particularly striking because it goes to the very heart of what the Government has not done in either its statement of interest or in presenting this amendment to the law. The shadow statement of public interest states that the Government SPI:

... outlines the context for the Bill, stating that it is a response to the Statutory Review and the indictable processes review. Although the Government SPI points to intended outcomes of the proposed amendments, it fails to identify the need for these proposed amendments supported by factual evidence or stakeholder feedback.

The proposition is that there is not just a flaw in the Government statement of public interest but a flaw in the Government's entire proposal, including everything it has put in the second reading speech and everything that it presented to the inquiry into the bill. The shadow statement of public interest explains:

This section requires the identification of a problem that the Bill seeks to address to support an argument that this action, or indeed any action, is necessary. As a consequence of failing to identify the need for this Bill (i.e. that it addresses a specific problem), it is unable to identify the parties affected by the problem, provide evidence about the existence of the problem, or explain why action is needed, supported by factual evidence or stakeholder feedback ... The government SPI could have included an explanation of why the Statutory Review settled on the recommendation to reduce jury deliberation periods to four hours, which would have strengthened their response ...

But, as I have already stated, the problem is not just in the Government statement of public interest; it is in the Government's proposal. There was simply no supportable evidence presented in the Government statement, in the second reading speech or at the inquiry into the bill. We just do not have the basis for the bill. Instead, we have a lot of problems, a lot of opposition and a lot of reasoned arguments as to why this bill would be harmful to the criminal justice system.

This concerning problem was reiterated in the Hon. Mark Buttigieg's second reading speech, which is the consultation with affected stakeholders. It is a good explanation and display of why the shadow statement of

public interest can be incredibly beneficial to this Chamber and the legislative process. The Government statement of public interest indicates that, through consultation with affected stakeholders in the making of this policy, targeted consultation was undertaken with legal stakeholders and that stakeholders broadly supported the amendments in the bill. Consultations are not negotiations. It is clear in the Government SPI and the Hon. Mark Buttigieg's second reading speech that the views of affected stakeholders were sought and considered throughout the policymaking process. However, here's the rub: That statement is potentially misleading.

Four of the seven legal stakeholders mentioned in the Government SPI and in the Hon. Mark Buttigieg's second reading speech—Legal Aid NSW, the Law Society of New South Wales, the New South Wales Bar Association and the Aboriginal Legal Service—provided submissions to Portfolio Committee No. 5 - Justice and Communities for its inquiry into the Jury Amendment Bill 2023 that clearly noted their opposition to schedule 1, clause 8 amending the majority verdict provisions to reduce jury deliberation time. Those stakeholders also raised concerns and objections to other proposed amendments in the bill. This is so important, and we need to welcome the initiative of the Susan McKinnon Foundation in putting forward the clear facts and circumstances around what has happened in this process.

It is not right for the Government to say it has done a thing but not represent what the thing it has done resulted in. That is something vital that the Government should take on board with this bill. Hopefully, it will take it as a strong warning that it cannot do this. The Government cannot get away with a roughshod lawmaking process in which it says it has consulted and calls that a satisfactory measure when, in fact, the consultation resulted in really oppositional feedback. The Government needs to put that on record and integrate that properly. It is not a process of seeking feedback and ignoring it. It is important that the lawmaking process, which is the duty of this House, is done with full transparency and with the input of the experts that come to us to contribute to the democratic process.

A number of things in the shadow public interest statement are of great import. Fundamentally, it makes a clear case that there is not an evidence base to derogate the fundamental right, safeguard and protection that former Labor Attorney General Bob Debus put into legislation in 2006. Nothing has changed regarding the basis of him putting that safeguard in. Things have become more complicated and the case for having this rule in our system has become more salient. There is well-documented and increasing understanding that criminal trials in this State are becoming more complex, not less so. Juries have a larger breadth of evidence to consider, including increasing amounts of electronic evidence such as CCTV, videos, recordings, long interviews and now artificial intelligence.

The DEPUTY PRESIDENT (Ms Abigail Boyd): I shall now leave the chair. The House will resume at 8.00 p.m.

Ms SUE HIGGINSON (20:00): I resume my contribution on the Jury Amendment Bill 2023 and will be brief. In carrying on in the form I have taken, the best words to finish this contribution are presented in the shadow SPI, which says:

... we attempted to guess what the problem and need for this policy was: hung juries, unnecessary additional costs, trial backlogs etc. There is some evidence—

not from the Government—

from the Australian Productivity Commission that over the last ten years, court backlog is worsening in the NSW Supreme Court and District Court criminal jurisdictions, and that the cost per finalisation is increasing in the District Court, but we were unable to find any evidence which supports the proposition that the amendments included in this Bill will address these problems. Additionally, we note that the Statutory Review—

which was the review referred to earlier in my contribution—

found there were 'significant limitations in terms of available data for both hung juries and majority verdicts... [and that] it is not possible to determine how many hung juries have been avoided due to the majority verdicts amendments'.

In summary, whilst the context for this Bill is explained—

by the Government in its second reading speech, contributions to the debate and—

in the Government SPI (i.e. to implement recommendations), it fails to identify the need for change by stating the problem it seeks to address.

That is really concerning and illuminates what we learnt in the inquiry into the bill. It illuminates what we heard from those experts who work in this field on the front line. It is genuinely very hard to understand the purpose of bringing the bill forward. There are hundreds and hundreds of years of history and mountains of evidence as to why we retain the safeguard or why we have the safeguard to protect the very fundamental premise of a fair trial in criminal proceedings, which is unanimous jury verdicts. Now we have a modified version of that with a safeguard being majority verdicts.

This bill will in no uncertain terms continue that concerning creep on a fundamental civil right. The eight hours was built in as a safeguard to ensure the 600-year-old common law right. Dangerous undermining of civil rights happens incrementally. This House has the opportunity to set aside what appears to be a very ill-considered baseless idea which has no evidence to support what we can only guess the Government is trying to do. The bill is a creep. It is a slippery slope—for some reason I have used that term quite a bit in my two years in this House. I feel that we are seeing that.

We are forgetting and taking for granted the features of a mature and sophisticated democracy where rights need to be enshrined and protected. If we are going to depart from those rights in any way, shape or form, we must only do that using a very clear evidence base. Unfortunately for the Government, that is not clear in this bill. I genuinely hope that when amendments are moved in the Committee of the Whole, members will realise that we have an opportunity to stop a bad idea coming into law and the criminal justice system being compromised.

The Hon. STEPHEN LAWRENCE (20:05): I contribute briefly to the debate on the Jury Amendment Bill 2023. I intend to focus on the contentious aspect of the bill, which is the proposal to reduce the minimum deliberation time before a majority verdict direction can be given from the current eight hours to what would be four hours if the bill is passed. I have appeared as an advocate in a lot of jury trials and I am a huge supporter of the jury system. Proposals to vary the system in some way warrant careful attention.

In my experience juries get it right and they have a legitimacy that judges who sit alone do not have, in a general sense. That is probably why when I look back on the various jury trials I have appeared in, even though I might have argued to the contrary, I see that the jury got it right. I have heard many criminal lawyers speak of that, which speaks to the legitimacy and importance of the institution. It is a sacred institution and changes to it need to be carefully assessed.

I served on the committee that examined the provisions of the bill in detail. The inquiry process was very useful, and I thank all the witnesses who attended and assisted the inquiry. There was a diversity of views in the stakeholders who attended. I note the Senior Public Defender, Ms Rigg, said that she had been a supporter of reducing the time period. That might have come as a surprise to some in the hearing. She also said that her preference would be a model where the judge had complete discretion as to how long a jury needed to deliberate for before the direction could be given. That system, or provision, is in place in other jurisdictions.

It is probably not quite right to characterise the eight-hour period as a civil liberty. A whole range of things occur in jury trials, including directions that can or cannot be given. They vary from jurisdiction to jurisdiction. There is no magic in the eight-hour rule. It was put into law when majority verdicts were introduced in 2006. To say that a system where a pure discretion is in the hands of the judge is somehow less a civil liberty than an eight-hour period or a four-hour period is not so and is a feature of our law. But the question is live as to whether it continues to be appropriate or not.

I note that the Director of Public Prosecutions representative supported the reduction of the time period to four hours, whereas Legal Aid, the Aboriginal Legal Service, the Law Society and the Bar Association representatives all opposed it. The Chief Judge, Mr Derek Price, also attended and gave important evidence in support of the proposal. It was pretty clear on the totality of the evidence, as well as the material coming out of the statutory review, that a number of judges from the District Court had raised this proposal with the Government because they think it is important. The Chief Judge zeroed in on what the bill is all about when he stressed the importance of judicial discretion and that the eight-hour period—or four hours, if it is changed—would be a minimum. It would not require a judge to give the direction after the eight hours has passed. Rather, it would allow them to give it if they saw fit.

The Chief Judge made it clear in his evidence that the proposal is not about cost saving, and he expressly disavowed that as having anything to do with his support for it. He was also clear in his evidence that the proposal is about a tiny number of cases where, generally, the issue is simple and, based on certain evidence, more often than not the jury wants to acquit 11 to one very quickly, but they have one hold-out and they cannot acquit, so they are required to wait the eight hours. I suggest that these cases are so small in number that there is not really enough evidence, which some speakers have called for to support this change. District Court judges are also saying that these issues are important and reform is needed, but that the number of cases is too small to measure. This does not mean that the proposal is unnecessary, because if one examines the issue it is clear that it is very important. It goes to the function and the service that juries fulfil and the particular circumstances that apply during their service.

Before I elaborate on that, I will speak more about what the Chief Judge said in his evidence. He was clear that there are cases where the issues are simple and a jury indicates quickly that they will vote 11 to one and will not change. Under the current eight-hour rule, in some cases juries are required to deliberate throughout the day and often into the next day, despite the case being simple and the issues clear. To understand why that is a real

problem, it is necessary to understand the concept of court time, which was discussed at length in the committee hearing and which is not necessarily obvious. The court normally sits from 10.00 a.m. until 4.00 p.m.—although when the jury is out deciding their verdict, they often start at 9.30 a.m., but practices vary—and lunch is normally an hour, so eight hours of court time is far more than one court day. Also, many things go wrong in jury trials—in fact, in my experience, they always do—so eight hours can easily end up as two days or more.

A hypothetical scenario that the bill is intended to deal with could be a simple case, perhaps a sexual assault matter, where there is one complainant and no substantial supporting or corroborating evidence, and the complainant may not have travelled well under cross-examination. The judge sums up to the jury and sends them out at 10.15 a.m. and the jury starts off with a vote, which I understand is fairly customary in jury trials. Almost immediately 11 jurors agree that the verdict is not guilty, but one juror is adamant that it should be guilty and they make it clear in the course of the discussions that, no matter what, they will not change their mind. In the circumstances of the case there is not a lot to discuss; the evidence has been short and the issues are straightforward.

After just three-quarters of an hour, at 10.45 a.m., the jury sends a note to the judge to make it clear that they simply cannot agree. The judge then brings them back into court and may or may not tell them about the eight-hour rule. I say that because the Jury Act does not state whether juries should be told in advance about the possibility of majority verdicts—in my observation practices vary in the District Court and the Supreme Court—and the jury might simply be told that the circumstances have not yet arisen whereby they can reach a majority verdict. They may not even have been told that; they might simply be told that it is necessary to keep deliberating on the case. At 11.00 a.m. they are sent back out and at 3.30 p.m. they send another note to indicate that they cannot agree. But by then only four hours and 45 minutes have passed, so again they are told to go back out and keep deliberating.

By this stage members of the jury might be furious and might be arguing. When they enter the courtroom, they may be red, with tears running down their faces. I do not say this to exaggerate. In many jury trials I have seen the obvious upset on jurors' faces because of the stressful and unusual environment. The jury then reassembles the next day but one member is sick, perhaps the hold-out juror, so they are sent home for the day. They come back on the third day but someone is late, so they cannot start deliberating until 11.00 a.m. These sorts of circumstances are not unusual in jury trials. The jury goes until 1.00 p.m., when they send another note to say that they simply cannot agree. Again they are brought back into court but are simply told to keep going. They may or may not be told why. Members might imagine that by this stage they are all hopping mad. They have a huge argument, raised voices are heard, the sheriff reports this to the judge and the jury is discharged.

This scenario is unusual but it does happen. It is inappropriate and it occurs in the context of the incredible stress of serving on a jury. As I have said, it is not uncommon to see tears, red faces, arguments and complaints. This scenario is why the District Court judges have made this request. They simply want a mechanism to be able to deal appropriately with these sorts of cases, and reducing the period to four hours gives that power to the judge, if appropriate, to avoid the scenario I have described. Public Defender Belinda Rigg, SC, expressly said that the mechanism will more commonly be used in cases where the jury wants to acquit 11 to one, yet the scenario above, which the District Court and others have given evidence of, is quite real.

For 12 good citizens—jurors who have come to do their civic duty—to not be told why they have to stay in the jury room for two or possibly even three days, depending on the vicissitudes of life that occur, is not fair and not consistent with what we all now understand about the effects of vicarious trauma and just how difficult it is to serve on a jury. This is not a dangerous law reform proposal, because it rests on the discretion of the judge. It will be up to judges whether they give those directions in those circumstances. This is not a civil liberties issue; it is a practical issue. On that basis, I commend the bill to the House.

The Hon. ROD ROBERTS (20:18): I did not intend to speak in debate on the Jury Amendment Bill 2023—hence my scribbled notes—but I am compelled to say a few things. I endorse the contributions of the Hon. Susan Carter and Ms Sue Higginson, who eloquently stated the issues. I want to touch on the human aspect of this bill, which was not touched on in any other member's contribution. As politicians we can be cold and calculated when making our contributions, but we are talking about a criminal justice system that determines somebody's liberty. No member in the debate has mentioned the words "jail" or "imprisonment", but that is the cold, hard reality of what we are talking about. I hope it never happens to me, but if I happen to be sitting in the dock of a criminal court, I do not want my fate decided in four hours. I want the jury to take as long as it takes to get the right decision. I quote the Hon. Chris Rath when he said at the Business Committee meeting this evening, "Do we want expediency or do we want justice?" I know what he wanted: He wanted justice, and so do I. We want the justice system to prevail.

Let us have a look at this Chamber for a start. I take members back to our last sitting period when we spent all night deliberating, which I will never forget, and neither will Ms Sue Higginson because she had to wear a hat

into the Chamber to survive it—I say that in good jest. We sit here and deliberate for hours, go into a Committee of the Whole and there is no time limit. We speak as many times as we like for as long as we like to ensure that we get it correct. Yet we are saying to jury members who are potentially going to convict someone, which would lead to a judge to sentence them to a term of imprisonment, "You have four hours; that's it. Get it sorted within four hours. You'll be right."

Let us go even further and look at ICAC. We have previously debated in this Chamber over the length of time it takes for ICAC to come out with their report. ICAC inquiries go into complex and detailed investigations. It takes them ages to gather the evidence, process it and turn it into a report. Criminal trials are no different. We have a complex fraud investigation or a complex conspiracy case, for example. These take time to decipher and work your way through. Four hours does not cut it; it takes longer. We allow ICAC to do that.

I go back to the recent case of Bruce Lehrmann. I make no comment either way on how that went. But I draw to honourable members' attention that Justice Michael Lee, upon completion of the evidence, took a number of weeks to come forward with his final judgement. He needed to sit and wade through all that evidence. He is an experienced jurist, and that is what he did. We are talking about a jury of 12 good citizens brought in off the street, with no criminal investigation background and no great analytical skills, to wade through one side's evidence versus another side's evidence and come to the truth. They are 12 honest, normal people in off the street, and we are giving them four hours.

I can tell you about the case of Roberts and Commissioner of Police in the Industrial Court of New South Wales. Unfortunately, I do not have the citation but it was back in about 2000. I successfully sued the Commissioner of Police. However, at the completion of the case, the judge—and I cannot remember her name but she was obviously a learned judge because she came back in my favour—said, "I'm going to reserve my judgement, and we will reconvene in three weeks time." When I sued the Commissioner of Police, my matter was extremely complex but the Justice needed that time to make sure she got the right decision. But here we are saying, "Oh, no, it will be cheaper, more efficient and better for the justice system if we just give jury members four hours." As a member of this Parliament, I will not give my vote to pass this legislation, which throws the justice system out the window for the sake of expediency, efficiency or some financial benefit. If the justice system needs to save time, there are plenty of other spaces in which they can do it. I will not support the bill in its current form. I understand that there will be amendment, which I will support.

The Hon. MARK BUTTIGIEG (20:23): On behalf of the Hon. Daniel Mookhey: In reply: I thank the Hon. Susan Carter, Ms Sue Higginson, the Hon. Stephen Lawrence and the Hon. Rod Roberts for their contributions to the debate. The Jury Amendment Bill 2023 makes a number of miscellaneous amendments to the Jury Act 1977 to improve the operation and management of juries in New South Wales and provide more support to the people who fulfil their civic duty to serve on a jury. The bill also implements the sole recommendation of the statutory review of the amendments made to the Jury Act 1977 by the Jury Amendment (Verdicts) Act 2006, which introduced majority verdicts in criminal proceedings in New South Wales.

I will first address the issue referred to Parliament by the Legislation Review Committee published in the *Legislation Review Digest No. 7/58*. In report No. 61, the New South Wales Parliament Legislative Council Portfolio Committee No. 5 considered whether the amendments in the Jury Amendment Bill 2023 impact on procedural fairness and an accused person's right to a fair trial. I thank the committee members for their detailed consideration of the bill. Report No. 61 primarily considered the proposed reduction to the minimum period of deliberation from eight to four hours for majority verdicts and whether the amendment strikes the right balance between an individual's right to a fair trial and an efficient justice system. Judges will continue to direct the jury to aim for a unanimous verdict, regardless of the minimum period of deliberation. Reducing the minimum period will not move away from the principle of unanimous verdicts; rather, it is a way of protecting the integrity of the trial and ensuring that juries are not required to deliberate to the point of contention.

The presiding judicial officer is well placed to assess the appropriate minimum length of jury deliberations in particular proceedings. For a particularly complex matter, the court may determine that four hours of deliberation is insufficient. A majority verdict may not be accepted at that point and the jury may be directed to deliberate further. This would remain the case if the minimum deliberation period was reduced to four hours, as the legislation makes it clear that both the minimum deliberation period must have passed and the court must consider that jurors have deliberated for a period of time that the court considers reasonable, having regard to the nature and complexity of the criminal proceedings. However, for simpler matters, the court may be satisfied that four hours of deliberation is sufficient. Requiring the jury to deliberate for additional time in this circumstance, where the court forms the view that deliberations have occurred for a reasonable period and the jury has indicated that they are unlikely to return a unanimous verdict after further deliberation, would be inefficient and unhelpful. The proposed amendment is intended to address this issue.

Also, as was made clear in the evidence of the Senior Public Defender given before the inquiry, if a majority verdict is sought in advance of the passage of a reasonable period of time, this can be opposed. The requirement that the court consider that a reasonable period of deliberation has occurred, having regard to the nature and complexity of the criminal proceedings, remains an important safeguard. The four-hour minimum is simply the amount of time that must pass before the judge can inform the jury that a majority verdict can be accepted if they cannot reach a unanimous verdict.

There are also a number of other statutory protections imposed by the Jury Act 1977 to protect the integrity of majority verdicts. These include requiring that the jury consists of at least 11 people; that at least 11 out of the 12 or 10 out of 11 jurors agree on the verdict; and requiring the court to examine one or more of the jurors under oath to confirm that a unanimous verdict is unlikely to be reached after further deliberation. In a complex case where there is significant digital or electronic evidence to review, it is extremely unlikely that the jury will indicate that they cannot agree before eight hours. In any event, if the jury returned a verdict in a complex matter in a short period of time, the judge holds the power to determine whether the time spent deliberating is sufficient. If the evidence is complex, the judge can and will send the jury back to deliberate further.

The proposed minimum period of deliberation applies to more streamlined cases where the issues are less complex. In such matters, it is inappropriate for the judge to direct that the jury deliberate for at least eight hours. There is a risk of a miscarriage of justice if juries are persistently directed to continue deliberating after clearly indicating that they are unable to reach a unanimous verdict. The proposed amendment will improve processes and reduce this risk in less complex matters where the issues in question are clear and do not require eight hours of deliberation.

Report No. 61 also considered item [7] to the bill, which will remove the requirement for a court to make an order permitting the jury in criminal proceedings to separate at any time after the jury retires to consider its verdict. New South Wales is the only remaining Australian jurisdiction to have an explicit requirement to make an order permitting the jury to separate. Removing this requirement would bring New South Wales into the modern day and in line with other jurisdictions. In the majority of cases, the requirement for juries to remain physically separate is not considered necessary in a modern justice system. The rule stems from a historical requirement that juries seclude themselves from others while deliberating. Requiring a juror to separate no longer achieves the intended aim of the provision. Even when sequestered, jurors can be influenced in a number of other ways, such as by speaking to others on their mobile phones or accessing the internet. If the trial is particularly sensitive or subject to media attention and the judge determines that it is in the interests of justice that the jury remains sequestered, the bill provides that the court can order that jury not to separate to protect the trial.

Report No. 61 also considered item [12] to the bill, which provides that a summons, notice or other document may be served via email. Concerns were raised that this amendment may impact disadvantaged and marginalised people if they are unable to access emails and, as a result, do not respond to a jury summons and receive a fine. However, jury summons and notices will only be sent via email to those who have opted in for email service and provided an email address to the NSW Sheriff's Office for that purpose. Postal service will continue to be the default method of service used by the sheriff. The Sheriff's Office intends to undertake an education campaign to encourage jurors to elect to receive summons electronically instead of via post where they are comfortable to do so. This amendment aims to increase efficiency and reduce the costs associated with empanelling juries.

Finally, report No. 61 considered item [11] to the bill, which increases the investigative power of the NSW Sheriff's Office with respect to improper conduct by a third party towards a juror. The Sheriff's Office is best placed to undertake such as investigations as sheriff's officers are not parties to the criminal proceedings. This amendment will allow the investigation and resolution of instances of improper conduct quickly and reduce the risk to jurors and to the integrity of the trial. Investigations into improper conduct will only be undertaken by sheriff's officers who are trained to identify matters that require immediate referral to the police. Any matter involving serious criminality will be referred to the NSW Police Force for investigation.

I now briefly address some matters raised during debate on the bill. I thank the Hon. Susan Carter for her contribution to debate. Reducing the minimum period to four hours will not move away from the principle of unanimous verdicts. Rather, judges will continue to direct juries to aim for a unanimous verdict regardless of the minimum period of deliberation. That is the ultimate goal. However, in those cases where the jury has confirmed under oath that it is unlikely to reach a majority verdict after further deliberation and where the minimum deliberation period has been passed, and the judge is also satisfied that the jurors have deliberated for a period that the court considers reasonable, they can accept the majority verdict. It is only in those cases that a judge can accept the majority verdict.

I thank Ms Sue Higginson for her contribution to debate. Ultimately, the presiding judicial officer is well placed to assess the appropriate minimum length of jury deliberations in particular proceedings. Reducing the

minimum period of deliberation from eight to four hours will not water down the principle that all verdicts should be unanimous. The proposed four-hour rule is simply the minimum period. The court will retain the power to not accept a majority verdict until the jury spends more time deliberating if the jury has not deliberated for a period that the court considers reasonable, having regard to the nature and complexity of the criminal proceedings in accordance with section 55F (2) (a). The verdict being returned in one day can also be opposed by parties to the proceedings, who can request that the judge order the jury to come back for a second day of deliberations.

I note Ms Sue Higginson's concerns about the shadow statement of public interest, which considered the Jury Amendment Bill 2023. The statement of public interest prepared by the Government adequately addresses how the objectives of the bill serve the public interest. It notes that the amendments will reduce the expenditure of resources on trials that are ultimately aborted or result in hung juries. Where possible, they must be fair and appropriate. While the cost savings arising from this amendment are not likely to be extensive, efficiency savings may be achieved in circumstances where a jury is not going to come to an agreement regardless of how long the jurors have been deliberating for.

Requiring jurors to continue to deliberate despite reaching the point of firm disagreement unnecessarily contributes to court costs and delays. There are also financial, psychological and emotional impacts on victims, the accused and witnesses that must be considered. In cases where jurors cannot come to an agreement, the obligation for the jury to go back and deliberate further for the purpose of meeting the eight-hour minimum rule places unnecessary pressure on the jurors. Extended periods deliberating can also impact the integrity of a verdict as a person may be pressured to change their decision and join the majority just so the jury can be discharged sooner.

I note that the Department of Communities and Justice consulted key stakeholders extensively during the statutory review, including close engagement with the stakeholders responsible for overseeing and managing the selection and operation of juries. The majority of stakeholders consulted during the statutory review and through the drafting of the bill indicated that requiring juries to deliberate for at least eight hours before being able to deliver a majority verdict was inappropriate and unnecessary. Stakeholders also concluded that requiring juries to deliberate beyond the point of firm disagreement, and in many cases requiring them to spend more than one day deliberating, was inefficient and unduly contributes to additional costs and delays.

It is true that stakeholders expressed differing views as to how much the minimum period should be reduced by, if at all. A number of stakeholders, including key judicial stakeholders, proposed removing the statutory minimum deliberation time completely and allowing judicial officers to use their discretion to assess how long a jury should be required to deliberate for. However, the most commonly suggested period was a minimum period of four hours. Currently, New South Wales and Queensland have the longest minimum period of deliberation, with both requiring eight hours of deliberation. That is higher than other States and Territories. For example, in Victoria, there is no minimum period; in Tasmania, there is a two-hour minimum period; in Western Australia, there is a three-hour minimum period; in South Australia, there is a four-hour minimum period; and in the Northern Territory, there is six-hour minimum period. After considering the time limits in other jurisdictions and the submissions of stakeholders, a minimum of four hours was identified as the appropriate period.

I also thank the Hon. Stephen Lawrence for his very cogent and timely contribution to debate. The concerns raised by the Hon. Rod Roberts in his contribution to debate are already addressed. The Jury Act 1977 imposes a number of other statutory requirements to protect the integrity of the majority verdicts. These include requiring that the jury consists of at least 11 people; that at least 11 out of the 12 or 10 out of the 11 jurors agree on the verdict; providing the court with the discretion to determine that the jury have deliberated for a reasonable period after considering the nature and complexity of the proceeds, provided that the time is not less than the minimum period of deliberation; and requiring the court to examine one or more of the jurors under oath to confirm that a unanimous verdict is unlikely to be reached after further deliberation.

The proposed four-hour rule is simply the minimum period. The court retains the power to not accept a majority verdict until the jury spends more time deliberating if the jury has not deliberated for a period that the court considers reasonable, having regard to the nature and complexity of the criminal proceedings. Judicial officers are well placed to assess this. For a particularly complex matter, the court may determine that four hours deliberation is sufficient. However, for more simple matters, as has been said, the court may be satisfied that four hours deliberation is sufficient and requiring the jury to deliberate for additional time is inefficient and unhelpful. I commend the bill to the House.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): The question is that this bill be now read a second time.

Motion agreed to.

In Committee

The CHAIR (The Hon. Rod Roberts): There being no objection, the Committee will deal with the bill as a whole. There are two sheets of The Greens amendments: Nos 1 to 3 on sheet c2023-123B and No. 1 on sheet c2023-127A.

Ms SUE HIGGINSON (20:42): By leave: I move The Greens amendments Nos 1 to 3 on sheet c2023-123B in globo:

No. 1 Majority verdicts in criminal proceedings

Page 4, Schedule 1[8], lines 34 and 35. Omit all words on the lines.

No. 2 Majority verdicts in criminal proceedings

Page 5, Schedule 1[13], line 17. Omit ", 55F".

No. 3 Majority verdicts in criminal proceedings

Page 5, Schedule 1[13], lines 20–32. Omit all words on the lines.

The amendments ultimately seek to maintain the eight-hour rule for all of the reasons that have been presented by various members of this Chamber. It is also important to add at this point that concerns are raised about the eight-hour rule in relation to juror wellbeing. Given that the amendments seek to maintain the eight-hour rule, it is important that it is understood in no uncertain terms that juror wellbeing is the concern of everyone who is concerned about the fairness of criminal trials.

In the second reading debate the Hon. Stephen Lawrence made a contribution about juror wellbeing. If the Government is really concerned about juror wellbeing, then it should provide for juror wellbeing. Changing a rule around four hours will not and does not address juror wellbeing. In moving these amendments to maintain the eight-hour rule, I absolutely urge this Government to assist jurors and the court system, the community and the criminal justice process with juror wellbeing. The sooner it gets on with doing the real work that is needed to be done, rather than work that is not evidence based, the better the criminal justice system can perform.

The fact is that the eight-hour rule is an important safeguard. The amendments seek to maintain the protection of that safeguard. As the Hon. Rod Roberts pointed out, it is important to note that we are literally talking about people's loss of liberty. More often than not, we are talking about jury trials of significant periods. It is a small number of trials, but one of the most significant things a State does to a member of our community is deprive them of their liberty.

I do not know if there are many people who have ever had direct and intimate contact with somebody who has been wrongfully conflicted. I certainly have, and I know other people who have. Once someone has, they can never unlive that experience and that feeling of knowing that the State has radically wronged a member of our community in the most harmful, brutal and significant way. We are tinkering around the edges and, in particular, taking away what was described in this Parliament in 2006 by then Attorney General the Hon. Bob Debus as an important safeguard. In no uncertain terms, we must remember that at that time we were moving away from the principle of a unanimous jury verdict, which is absolutely paramount to a fair trial in criminal proceedings in an advanced democracy and an advanced criminal justice system. We have already moved away from that principle.

We must acknowledge that the Federal jurisdiction still maintains that principle of fair trial, which is embedded in our Constitution, and now we are seeking to slip away from that. I accept and appreciate the Government's efforts, but the case is not made. After this evening's debate in this Parliament, I am actually more convinced that these amendments are important and that they must succeed. I urge all members to consider what we are doing. It is too important to digress from this.

Finally, I recognise all of those very important people in the criminal justice system who gave evidence at the hearing of the inquiry into the bill; the Hon. Stephen Lawrence reminded us of those contributions. We must respect and understand their role and acknowledge that they are the ones who are engaged in the daily drudge of the court. Sometimes perspective can be lost through process and efficiency. Right now it is our job to rise above that, to helicopter up and to remember what it is that we are dealing with. We are talking about people having their guilt determined and their liberty taken away. We must be very cautious about doing that. The case has not been made. I hope that members will support the amendments.

The Hon. MARK BUTTIGIEG (20:49): The Government opposes the amendments. Without wanting to sound repetitive, I will reiterate some of the points made during the second reading debate. It is not like we are throwing the baby out with the bathwater. There are numerous safeguards, notwithstanding the fact that the bill reduces the deliberation period from eight to four hours. The proposed amendments Nos 1 to 3 on sheet c2023-123B will remove certain provisions in the Jury Amendment Bill 2023 with the effect that the eight-hour minimum deliberation period in criminal trials before a majority verdict can be returned will be retained instead

of reducing that period to four hours, as is proposed in the Government's bill. Currently New South Wales and Queensland have the longest minimum period of deliberation, with both requiring eight hours of deliberation. That is longer, as stated in the second reading debate, than deliberation periods in other States and Territories.

In Victoria there is no minimum period. I would have thought that, if it was such an issue, we would have heard from that jurisdiction. In Tasmania there is a two-hour minimum period. That is, again, shorter than what New South Wales is proposing. Western Australia's minimum period is also shorter; it is three hours. South Australia's minimum period is equivalent to what we are looking at—four hours. The Northern Territory splits the difference, with a six-hour minimum period. The Legislative Council Portfolio Committee No. 5 inquiry into the Jury Amendment Bill 2023 considered the proposed amendment to reduce the minimum period of deliberation from eight to four hours. The inquiry considered whether the amendment struck the right balance between an individual's right to a fair trial and an efficient justice system that addressed a number of key issues, including the principle of unanimous verdicts, judicial discretion and the duration of the deliberation period, complex evidence and cases, efficiency savings and court time, and juror wellbeing and verdict integrity.

It was suggested to the inquiry that the introduction of majority verdicts in 2006 had watered down the principle that all verdicts should be unanimous and that reducing the minimum period of deliberation from eight to four hours would further detract from that principle. However, judges continue to direct juries to aim for a unanimous verdict regardless of the minimum period of deliberation. That is the ultimate goal. It is only in those cases where the jurors have confirmed under oath that they are unable to reach a unanimous verdict and where the judge is satisfied that it is unlikely that the jurors will reach a unanimous verdict after further deliberation that they can accept a majority verdict. That was made clear in the evidence of the former chief judge of the District Court of New South Wales, the Hon. Justice Derek Price, AO, given in the course of the committee inquiry. He said:

We haven't moved away from the fundamental requirement for a unanimous verdict. That's the first thing. Judges will not move to majority verdict until they are absolutely satisfied—and the evidence has to be taken on oath—that the jury cannot reach unanimous verdict. Majority verdict was brought in because of the possibility of one hold-out, as we know, and that could be either for guilty or not guilty; you don't know which way it's going to go. By looking at reducing the eight hours or leaving it as a matter of discretion, we are not moving away from the fundamental first step, which is a unanimous verdict.

Reducing the minimum period to four hours would not move away from the principle of unanimous verdicts. Rather, it is a way of protecting the integrity of the trial and ensuring that jurors are not required to deliberate to the point of contention. The New South Wales Government considers that the presiding judicial officer is well placed to assess the appropriate minimum length of jury deliberations in particular proceedings. For a particularly complex matter, the court may determine that four hours deliberation is insufficient, not accept a majority verdict at that point and direct the jury to deliberate further. However, for more simple matters, the court may be satisfied that four hours deliberation is sufficient and requiring the jury to deliberate for additional time is inefficient and unhelpful. That point was made in evidence given by Senior Public Defender Belinda Rigg, SC, before the committee inquiry. She said:

In my view, it's very problematic for a jury who has taken its task seriously and has indicated a firm inability to agree to be repeatedly told they need to keep going back out to reach a unanimous verdict. There just needs to be something there well short of the eight hours for those types of trials, keeping the protection there for the more complex trials. But there just needs to be that ability there to alleviate that pressure and that risk of miscarriage of justice in those trials, which is a significant portion of District Court trials where it's one issue.

The verdict being returned in one day can also be opposed by parties to the proceedings, who can request that the judge order the jury come back for a second day of deliberations. The jurors are responsible for determining how long they need for deliberation and will only come back to the judge if they have questions or cannot arrive at a decision. The four-hour minimum is simply the amount of time that must pass before the judge can inform the jury that, if it cannot reach a unanimous verdict, a majority verdict can be accepted, and that would happen only where the jury has come back and indicated that it cannot reach a unanimous verdict.

A number of other statutory protections imposed by the Jury Act 1977 also protect the integrity of the majority verdicts. They include requiring that the jury consist of at least 11 people; that at least 11 out of 12 or 10 out of 11 jurors agree on the verdict; that the court examine one or more of the jurors under oath to confirm that a unanimous verdict is unlikely to be reached after further deliberation; and that, even if the minimum deliberation period has passed, the jury has deliberated for a period of time that the court considers reasonable, having regard to the nature and complexity of the criminal proceedings. While the cost savings are unlikely to be extensive, efficiency savings may indeed be achieved in circumstances where a jury is not going to come to an agreement regardless of how long the jurors have been deliberating for. Requiring jurors to continue to deliberate despite reaching the point of firm disagreement unnecessarily contributes to court costs and delays. There are also financial, psychological and emotional impacts on the victims, the accused and witnesses that must be considered.

The primary goals of reducing the minimum period of deliberation are to promote juror wellbeing and to protect the integrity of verdicts. In cases where jurors cannot come to an agreement, the obligation for the jury to deliberate further for the purpose of meeting the eight-hour minimum rule places unnecessary pressure on the jurors. Extended periods of time deliberating can also impact the integrity of a verdict as a person may be pressured to change their decision and join the majority just so the jury can be discharged sooner. There is a risk of a miscarriage of justice if juries are persistently directed to continue deliberating after clearly indicating that they are unable to reach a unanimous verdict. The amendment proposed by the bill will improve processes and reduce risks in less complex matters where the issues in question are clear and do not require eight hours of deliberation. The Government opposes the amendments.

The Hon. SUSAN CARTER (20:58): I support these amendments, which are both sensible and necessary. As Ms Sue Higginson has told the Chamber, this question is fundamentally important. It goes to the consideration at the heart of our justice system—that it is just and that there is actually time taken to consider guilt or innocence. If we are going to risk somebody's liberty, we need to do it with care. I have heard many eloquent arguments, but I have not yet heard a case as to why the eight-hour minimum deliberation period is wrong or why the four-hour period is preferable.

This is not a question of whether or not we should have majority verdicts. That has already been decided by legislation. A lot of the discussion around majority verdicts is, frankly, a smokescreen which detracts from the essential issue we are discussing here: How much time is it appropriate for us to ask of those people engaged in the public service of jury duty to spend considering the liberty, the guilt or innocence, of one of their fellow citizens? When majority verdicts were introduced in 2006, the requirement for jurors to deliberate for eight hours before a majority verdict was to be entertained was considered a safeguard—a guarantee that there would be time, there would be thought, there would be consideration. What has changed since 2006? Have jury trials become less complex? Are the issues more straightforward? Are trials simpler?

In fact, all the evidence from the committee inquiry into the Jury Amendment Bill—of which I was a member—suggested that trials are becoming more complex and evidence is becoming lengthier and much harder to sift through. It could take several hours for the jury simply to go through the evidence they received, before they start to deliberate about what that evidence actually meant. We have heard arguments from the Government that we need to change the eight hours because we are somehow not aligned with what is happening in other States. But it is very clear that there is no standard four-hour rule in any other jurisdiction. Just because Victoria or South Australia does something, does that mean that it is what we should be doing in New South Wales? Does it mean that this is best practice, or even a good course of action at all?

In fact, if we look at what happens in other States where there may be a shorter deliberation period, there are also provisions that there should be no majority verdict in the case of a murder trial. How are we talking about alignment with other States unless we truly align in some way? The bill was introduced last year and then referred to a committee for inquiry and report—a committee of which I was a part. The majority of submissions to the inquiry opposed this change. The Law Society, the Bar Association, the Aboriginal Legal Service and Legal Aid—all working day in, day out—all opposed this change. It was acknowledged by all witnesses to that inquiry that there was simply no empirical evidence to support claims that a reduction of four hours would support either the efficient administration of justice or juror welfare.

That inquiry received evidence about the efficient administration of justice. We heard evidence from Mr John Stratton, SC, who is a member of the New South Wales Bar Association's Criminal Law Committee, that hung juries occur in roughly 2 per cent of trials. So we are making this change, which risks serious consideration of liberty, for 2 per cent of trials. In fact, the New South Wales Bar Association, in its submission, asserted that savings made by the introduction of the four-hour rule may amount to 0.51 per cent of matters that proceed to a defended trial in either the Supreme Court or the District Court. Half a per cent of defended matters may have some efficiency dividend if we move to this rule, and what is at risk? Serious, thoughtful, measured consideration, and maintenance of the safeguards that were thought critical when majority trials were introduced.

We acknowledge that justice has a cost, and we know that court time is a scarce resource and needs to be respected. But a criminal justice system demands that the accused is respected, not short-changed. Furthermore, implementing a recommendation is not a good enough reason on its own to demonstrate why a reform is necessary. Governments regularly choose not to act on recommendations from reviews or inquiries. For example, the initial introduction of the majority verdict provision for criminal trials was made contrary to a recommendation from the NSW Law Reform Commission that the system of unanimity be retained in New South Wales criminal trials. This amendment is simply an unjustified attempt to shortcut the criminal justice system. The compelling rationale for the eight-hour minimum deliberation window, acknowledged by the authors of the statutory review, supported by the members of the legal community and recommended by the Law Reform Commission, should be accepted and these amendments to remove the proposed change should be supported.

The CHAIR (The Hon. Rod Roberts): Ms Sue Higginson has moved The Greens amendments Nos 1 to 3 on sheet c2023-123B. The question is that the amendments be agreed to.

The Committee divided.

Ayes21
Noes16
Majority.....5

AYES

Boyd (teller)
Buckingham
Carter
Cohn
Faehrmann
Fang
Farlow

Farraway
Franklin
Higginson (teller)
Hurst
MacDonald
Maclaren-Jones
Martin

Merton
Munro
Rath
Ruddick
Taylor
Tudehope
Ward

NOES

Banasiak
Borsak
Buttigieg
D'Adam
Donnelly
Graham

Houssos
Jackson
Kaine
Lawrence
Mookhey

Moriarty
Murphy (teller)
Nanva (teller)
Primrose
Suvaal

PAIRS

Mitchell

Sharpe

Amendments agreed to.

Ms ABIGAIL BOYD (21:13): I move The Greens amendment No. 1 on sheet c2023-127A:

No. 1 **Support for persons with disability**

Page 3, Schedule 1. Insert after line 6—

[1A] Section 14E

Insert after section 14D—

14E Reasonable support for potential jurors with disability

- (1) This section applies if a judge is satisfied a person summoned to attend to serve as a juror, and who has not claimed an exemption or otherwise been excused from attendance, may be unable to properly discharge the duties of a juror, because the person has a mental or physical disability.
- (2) The judge must—
 - (a) consider if support that would enable the person to properly discharge the duties of a juror can reasonably be given, and
Examples of reasonable support — the provision of an Auslan interpreter, disability aid, support person or assistance animal
 - (b) if satisfied the support can reasonably be given, make a direction that the support be given.

Some members will be familiar with the late Michael Lockrey. He was a man who was profoundly deaf, and he died unexpectedly in November 2020. He was doing incredibly important advocacy work on behalf of the Deaf community prior to his death.

The CHAIR (The Hon. Rod Roberts): Order! I am having difficulty hearing Ms Abigail Boyd. It is rude for members to speak when another member has the call. Members will take their conversations outside the Chamber or will turn the volume down.

Ms ABIGAIL BOYD: Michael Lockrey advocated on behalf of the Deaf community for their participation in all aspects of society, including as jurors. In 2012 Michael received notice to report for jury duty,

but he was denied participation due to his hearing impairment. On 30 May 2016 the United Nations Convention on the Rights of Persons with Disabilities reported on Michael's efforts to secure fairness for the deaf in representation on juries. That report outlined Michael's appeal process through the Sheriff of New South Wales, the Australian Human Rights Commission and, finally, the United Nations Convention on the Rights of Persons with Disabilities, to which Australia is a signatory.

Article 29 of the United Nations convention seeks to guarantee the right of all disabled people to effectively and fully participate in political and public life, and in the conduct of public affairs. The convention also mentions the right of deaf people to access professional sign language interpreters in all areas of life, so it can be argued that preventing deaf people from serving as jurors because of their need to have an interpreter present is a breach of the rights of citizenship and of human rights.

The United Nations Committee on the Rights of Persons with Disabilities found that the exclusion of deaf people from jury duty was discriminatory and that the failure of the New South Wales Government to act to include deaf people on a jury constituted a breach of Australia's obligations under the convention. That was a finding made in favour of Michael and his work. I am sorry, I am still having a lot of difficulty hearing; it is very loud in here.

The CHAIR (The Hon. Rod Roberts): Order! Members will tone it down a little.

Ms ABIGAIL BOYD: Michael Lockrey was successful in convincing the United Nations to come and say, "Yes, you are right. You should be allowed to be a juror in New South Wales." My understanding is that the NSW Law Reform Commission then wrote to the New South Wales Government and recommended that, among other things, it amend the Jury Act 1977 to allow deaf people to serve on juries. But, so far, the New South Wales Government has not implemented that recommendation. A significant barrier to deaf people who use Auslan serving on juries is a misunderstanding that they do not have the capacity to sufficiently comprehend courtroom and jury proceedings. But, as long as a deaf person has interpreters present, he or she would be able to follow courtroom and jury room deliberations, and there is nothing that would prima facie disqualify a deaf person from being able to discharge their duties as a juror.

I understand that there is another perceived obstacle: Deaf jurors have not been permitted to serve due to what is called the thirteenth person in the jury room. The barrier is based on a mistaken belief that interpreters play an active role in proceedings. Anyone who has observed the amazing Auslan interpreters in our Portfolio Committee No. 3 inquiry into children with disability in New South Wales educational settings will perhaps be far more aware than they were before of exactly what role an Auslan interpreter plays. They are simply interpreting and translating what is being said to the listener. They do not advise or participate or add flourishes in that interpretation process. Deaf people can serve as jurors in New Zealand and Ireland, and in some states of the United States, and the most recent research in Australia proves that there is no measurable detriment to having a deaf person and an interpreter as part of court proceedings and in the jury deliberation room. That is why we bring the amendment today.

This amendment would amend the bill to allow all people to be considered as potential jurors regardless of their disability. It requires that reasonable support be given to a person with a disability while they are serving on a jury, as long as that person has not claimed an exemption or is otherwise excused under the existing provisions of the Jury Act. Some examples of reasonable support include the provision of a Auslan interpreter, the provision of a stenographer, accommodation to allow disability aids, allowing for a support person to accompany a juror, and also allowing an assistance animal to accompany the juror, if that is one of the requirements that would fit within this reasonable adjustment concept.

In June last year I moved a motion in this place relating to this exact issue. If I recall correctly, it was passed unanimously; I think it went through in formal business. That motion called for the Government to implement in full the recommendations of the Law Reform Commission, which I referred to earlier, to allow blind or deaf people to exercise their democratic right to perform jury duty by having an interpreter or stenographer with them to interpret or transcribe proceedings or jury deliberations. The amendment I move today is exactly what we all agreed to in that motion. I anticipate that the amendment will not be supported, but I am looking forward to understanding why. In this day and age there is really no good reason why we cannot enable deaf jurors and those who are hard of hearing to participate in society like everyone else. A deaf person can be a defendant; they can be a witness. There is no reason why they cannot also be a juror. I commend the amendment to the Committee and look forward to the debate.

The Hon. MARK BUTTIGIEG (21:21): The proposed amendment creates a positive obligation for judges to consider whether reasonable supports can be provided to a person with a disability to assist them to properly discharge the duties of a juror. The amendment provides that if a judge considers that supports can

reasonably be given, they must make a direction that the support be provided. Examples of reasonable support provided for in the amendment include an Auslan interpreter, disability aid or assistance animal.

Currently in New South Wales, prospective jurors are assessed for jury service on a case-by-case basis under the Jury Act 1977. This provides for a flexible and individualised approach. For jurors with disability, wherever possible, reasonable adjustments are made to assist them to complete jury service, including the use of infrared hearing loops for people with partial hearing loss. Under the current legal framework, a person requiring an interpreter or support person to be present during jury deliberations is not eligible for jury service. The presence of an interpreter in the deliberation room would contravene the long-held common law principle that there must be no more than 12 jurors present in jury deliberations, otherwise known as the "thirteenth person" rule. With the exception of the Australian Capital Territory, all other Australian jurisdictions follow a similar approach and do not permit interpreters or other support people to be present in the jury deliberation room.

With regard to the Australian Capital Territory provisions, in 2018 amendments were made to the Jury Act 1967 (ACT) so that judges have a positive obligation to consider whether reasonable supports can be provided to a person with a disability to perform their duty as a juror. This amendment means that a judge may allow an interpreter to assist the juror and enter the jury room, subject to the making of an oath or affirmation that they will not participate or disclose anything in relation to the deliberations. We continue to closely monitor the implementation of these reforms. However, the provisions are yet to be completely utilised or tested. In 2022 an Auslan interpreter was provided to assist a potential juror with the induction and empanelment process. During the empanelment process, the person was subsequently excluded for other reasons, meaning the interpreter was not used for deliberations.

The New South Wales Government is currently investigating what can be done to remove barriers that may prevent people from serving on juries. In particular, the Government is considering reform to allow for the provision of reasonable supports and will continue to monitor the development of technological solutions and approaches in other jurisdictions. As part of the Disability Inclusion Action Plan 2020-2024, the Department of Communities and Justice has committed to improving access to mainstream services through better systems and processes. Work to identify areas for potential improvement for court clients living with disability has commenced. However, there are significant legal and operational impacts that need to be carefully considered and consulted on with relevant stakeholders, including those from the disability sector, before reforms of this nature can be progressed.

Operational and practical matters that need to be worked through include consideration of how the use of interpreters may impact on jury deliberations and trial proceedings, and the availability of interpreters in metropolitan and regional areas, taking into account the need to rotate interpreters regularly to avoid fatigue and how this can be accommodated in lengthy trials. Environmental adjustments and infrastructure investment may also be required to enable movement around court precincts and rooms, the attendance of jurors at viewings, the use of guide dogs and other matters. For these reasons, at this stage the Government cannot support the proposed amendment but will continue to work in this area to remove barriers to participation.

The Hon. SUSAN CARTER (21:26): I thank Ms Abigail Boyd for moving this amendment. It raises an important issue about inclusion in juries. We are persuaded by the arguments of the Government that this is something that we need to move towards, and that movements are being made in this direction, so we cannot at this stage support the amendment.

Ms ABIGAIL BOYD (21:26): I thank the Hon. Susan Carter for her contribution, which I take at face value. Members passed a motion to this effect last June. I am beginning to wonder why we do motions anymore. When the Government and its Minister have given feedback on a motion to say, "Yes, we agree with it"—they have not come to us to change anything and we have not had amendments—and it has been passed by the House, what is the point if the Government does nothing? I do not understand. It is not the first time that members have been here. The motion stated:

- (3) That this House calls on the Government to implement in full the recommendations of the NSW Law Reform Commission, to allow blind or deaf people to exercise their democratic right to perform jury duty by having an interpreter or stenographer with them to interpret or transcribe proceedings or jury deliberations.

All members agreed with that in June last year. We said, "Yes, this is a human right. Yes, we've already been told off by the United Nations that we are breaching rules. Yes, we've been told that we're creating an environment that is not accessible for people with disability, yet again." We all agreed. I left it quite a long time, I thought. Then we got this bill through and I thought, "Great". The Government does not seem to be able to draft what is an incredibly easy provision to draft, based on what we have had in other jurisdictions that seem quite capable of allowing deaf people to participate as jurors. This amendment was drafted and it does the trick—but no. Why are we not doing it? Maybe it is just a little hard. Maybe we just do not really want to make those adjustments to allow people with a disability to participate in society because it might inconvenience the rest of us.

I get really fed up when it comes to disability issues in this place because, time and again, people with disability are at the bottom of the pile when it comes to priorities for whatever government it seems to be. I asked the previous Government to make this amendment for a good couple of years before I moved a motion on this issue in the House in 2023. Everyone agreed that it would be good to implement. Today the Government is giving excuses. We went through this issue, and to be honest it is incredibly ableist to say, "Actually, that would be a thirteenth person in the room." The issue has just been explained to members.

Anyone who would take the time to speak with the Deaf community and observe, or speak to, an interpreter would see for themselves that the autonomy of a deaf person is not taken away when an interpreter is interpreting for them. They are simply interpreting. The idea that an interpreter is a thirteenth juror in the room who is going to sway this person from what they would otherwise decide is incredibly offensive. It is incredibly offensive to say to somebody that they cannot participate in the same way that everybody else does because members do not understand what Auslan interpretation is about. That is really offensive.

Then members say, "Yes, but the problem is actually interpreter availability." I think that when judges make reasonable adjustments they are able to work out that if an interpreter is not available, a reasonable adjustment is not going to happen in this case. That is not an excuse for not passing this amendment. That is really bad form. If the Government, and the previous Government, actually cared about those sorts of obstacles to people who are deaf fully participating in our community, then they would have invested in Auslan capacity in the workforce, which they have failed to do.

I am getting really sick of hearing my own voice after standing in this Chamber for five years going on and on about the need for Auslan capacity in the workforce. It is not good enough. I put this amendment up fully knowing that members would respond the way they have because that is always the response. That is not good enough. The Attorney General needs to stop making excuses. He could have easily done what is in the amendment and sent a message to the countless people with disability in the New South Wales community that we actually see them and care about them. Members need to do better. I am really fed up with this.

The CHAIR (The Hon. Rod Roberts): Ms Abigail Boyd has moved The Greens amendment No. 1 on sheet c2023-127A. The question is that the amendment be agreed to.

The Committee divided.

Ayes5
Noes33
Majority.....28

AYES

Boyd (teller)
Cohn

Faehrmann
Higginson (teller)

Hurst

NOES

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

Graham
Houssos
Jackson
Kaine
Lawrence
MacDonald
Maclaren-Jones
Martin
Merton
Mookhey
Moriarty

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

Amendment negatived.

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

Motion agreed to.

The Hon. MARK BUTTIGIEG: I move:

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

Motion agreed to.

Adoption of Report

The Hon. MARK BUTTIGIEG: On behalf of the Hon. Daniel Mookhey: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. MARK BUTTIGIEG: On behalf of the Hon. Daniel Mookhey: I move:

That this bill be now read a third time.

Motion agreed to.

HEALTH PRACTITIONER LEGISLATION AMENDMENT BILL 2024

First Reading

Bill received from the Legislative Assembly, read a first time and ordered to be published on motion by the Hon. Mark Buttigieg, on behalf of the Hon. Courtney Houssos.

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

Statement of public interest tabled.

The Hon. MARK BUTTIGIEG: 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. MARK BUTTIGIEG: I move:

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

Motion agreed to.

EMERGENCY SERVICES LEVY AMENDMENT BILL 2024

Second Reading Debate

Debate resumed from 14 March 2024.

The Hon. DAMIEN TUDEHOPE (21:45): The Opposition supports the Emergency Services Levy Amendment Bill 2024. The bill amends the Emergency Services Levy Act 2017 to permit the Treasurer to require insurers to provide information for the purposes of evaluating and implementing reforms to the way in which emergency services are funded. It replicates the provisions already in the Act that similarly permitted the Treasurer to require insurers to provide information for the purposes of the evaluation and implementation of the 2017 emergency services levy reform.

The Government released a consultation paper on 10 April 2024, with comments due by 22 May 2024, which canvasses four options for a new funding system for the emergency services to replace the emergency services levy on insurance policies with a new property tax. All four models will involve a forever property tax on all properties, including the family home. The consultation paper suggests making the property tax high enough to also cover the current contributions by local councils and the State Government, which provide 26.3 per cent of the funding for emergency services. Transitioning those contributions into the replacement levy could make the system much simpler.

The bill will also assist the Treasurer with relevant data as he calculates how high his forever tax on the family home will be. The insurance data may be relevant to planning transition arrangements as the emergency services levy is replaced with the new property tax. The Opposition's support for the bill does not necessarily indicate its position on the specific proposal the Government will finally adopt to replace the emergency services levy, which we will assess on its merits when the details are made public.

Ms ABIGAIL BOYD (21:47): The Greens support the Emergency Services Levy Amendment Bill 2024. It is one of three bills that relate to the emergency services levy, which my colleague Dr Amanda Cohn will take the lead on when it comes to the more substantive parts of the legislation. The Greens thank the Treasurer and his team for briefing us fully on each of these forthcoming pieces of legislation and on the process for reforming the

emergency services levy. We welcome the Government's commitment to that reform and look forward to working constructively to achieve it in the best possible way.

The Hon. DANIEL MOOKHEY (Treasurer) (21:48): In reply: I thank the Hon. Damien Tudehope and Ms Abigail Boyd for their contributions. I commend the bill to the House.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): The question is that this bill be now read a second time.

Motion agreed to.

Third Reading

The Hon. DANIEL MOOKHEY: I move:

That this bill be now read a third time.

Motion agreed to.

Adjournment Debate

ADJOURNMENT

The Hon. DANIEL MOOKHEY: I move:

That this House do now adjourn.

REGIONAL BUSINESSES

The Hon. SAM FARRAWAY (21:49): Small businesses are the lifeblood of regional towns across New South Wales. Often family owned and run, these businesses are far from the glitz and glamour of the designer brands and luxury watch outlets seen in the cities. The reality in the bush is nothing more than hardworking individuals striving to make a living and to turn their ideas and concepts into successful small businesses. Regional businesses often depend on the local economy's vibrancy, from the strength of local cattle markets through to the foot traffic in central business districts, influencing everything from a local cafe's success to a farmer's ability to purchase new workboots. Some within the bush are generational family enterprises, while others are simply the great Australian dream of young entrepreneurs. Many are operated by parents willing to work exhaustive hours to afford their children better opportunities in life.

In this State over 840,000 small businesses contribute to the New South Wales economy. Employing over 1.8 million people and generating \$425 billion a year in sales and services income, they literally keep the lights on and the State moving. Small business ownership is not a path for the faint-hearted. It requires resilience, dedication and, often, a willingness to face heartbreak, because unforeseen challenges do arise. Having personally experienced the highs and lows of running a family-owned business in the Central West, I can relate firsthand to the taxing impacts such experiences might have on a person or a family.

Recently, on 17 April, I counted the amount of empty shops in the Bathurst CBD, and the figures are shocking. On George Street 11 shops were empty and three were for lease; on William Street seven shops were empty and four were for lease; Howick Street had 13 shops empty and eight for lease; Russell Street had one empty shop and one for lease; the main shopping centre in the CBD had 15 empty shops and seven for lease; and on Keppel Street I found a further seven empty and another four for lease. In total, 54 shops were empty and 26 were for lease; this is a sad reflection of the state of the Bathurst CBD. It also demonstrates the struggles for small businesses in regional areas and regional CBDs.

That is nearly 80 businesses that could be calling the Bathurst CBD home, further enhancing the city where I live, providing more opportunities for school leavers and a thriving place to be in business, reviving the CBD to what it was once before. Unfortunately, as I look out my office door in Bathurst, I see abandoned trolleys and empty shops. It is very disappointing. These figures are a sign of what small business owners in regional New South Wales are facing in an economically tough period. The combined pressures of a slowing economy, interest rate rises and a cost-of-living crisis are taking a toll.

However, these at-the-surface issues mask deeper structural problems. The aftermath of the COVID-19 pandemic has transformed some bustling CBDs into near ghost towns, with the shift towards remote work worsening the situation. This trend, coupled with neglect from both State and Federal Labor governments, has left many small businesses struggling for survival. The shift towards remote work, while beneficial for some, has significantly impacted small businesses that rely on foot traffic and the daily hustle and bustle of CBDs. Furthermore, the lack of targeted investment and vision from the State Labor Government has led to regional New South Wales falling behind. We see this with our own eyes in the regions. This extends to the broader Minns

Government approach to regional development, where regional New South Wales is seen as nothing more than a renewable energy factory rather than deserving of investment to support vibrant communities.

To support and revitalise these critical sectors of the New South Wales economy, the State Government must put aside its green, woke agenda and get serious about implementing policies that address the unique challenges of small business. Investing in CBDs, providing supportive measures for businesses, adapting to the post-pandemic realities and committing to understanding specific needs of regional communities are crucial steps forward. Small businesses represent the backbone of regional towns across New South Wales, embodying the resilience, community spirit and hard work that define those areas. The challenges they face cannot go unheard. *[Time expired.]*

REGIONAL COUNCILS

The Hon. EMILY SUVAAL (21:54): I speak about a number of our wonderful councils in regional New South Wales that I have visited over the past five weeks and since this House last sat. In those travels to my duty electorates, I had very productive meetings with a number of elected representatives at the local government level in our State. In recent times I visited the mayor and the general manager of Singleton Council. Sue Moore is the mayor and Jason Linnane is still general manager there—he will be moving to Maitland shortly. I acknowledge all the hard work that they do as representatives for that community. I particularly acknowledge Sue for the work that she does as a champion of that local community. It has been a pretty tough couple of years for Singleton, and Sue in that role has been an extraordinary champion, turning up every day as an elected mayor of that community.

I also recognise mayor Claire Pontin and general manager Adrian Panuccio of MidCoast Council, who I met up with recently. Claire is another fantastic example of a local mayor in our regional areas who is really championing the needs of her community. MidCoast Council is a really large council—larger than some of our State Government electorates. I acknowledge the work that they do in that council and the various challenges they face, from water supply to natural disasters and everything in between.

I also mention mayor Chris Cherry and general manager Troy Green of Tweed Shire Council, who I met with recently. Chris is another example of an elected local mayor in the regional areas who is working really hard for their area. Tweed faces some really unique challenges. Being a border town is one, but it also experienced more than its fair share of natural disasters and challenges recently. It also has some really acute housing issues. I know the council is certainly championing a lot of good work with its housing strategy to try to address that situation and the challenges it poses. Chris Cherry has been in her role as elected mayor for some time. She was elected just after the pandemic, so I imagine it has been a real rollercoaster for her. I acknowledge her hard work on behalf of her community in Tweed and the work that her and general manager, Troy, do every day.

I also recently met with mayor Kay Fraser and general manager Morven Cameron of Lake Macquarie City Council. Lake Macquarie is another area with a wonderful local elected mayor. Kay Fraser has been mayor there for some years now and is retiring. Morven Cameron, the general manager, has been there for a period of time too. That region has been identified as a Transport Oriented Development site. Lake Macquarie is a beautiful spot in New South Wales. It has a lot of potential for growth. Many exciting things are happening in that area. I acknowledge the work that Kay and Morven have done during their time on the council.

Coincidentally, those four elected mayors who I met up with recently are all women. That was not deliberate. I have been getting around the State and trying to sit down and meet with as many of our elected representatives at the local government level in my duty electorates as I can. We have some fantastic women working in local government, and nominations for the Ministers' Awards for Women in Local Government are now open. I encourage all members of the community to think about the wonderful women working at all levels in local government. Last year's award recipients included Judy Hannan, a member in the other place, and the wonderful councillor and leader of Local Government NSW, Darriea Turley. I thank all of these women elected representatives and all of our local councillors and general managers for the work they do every day.

WORLD WAR

The Hon. JOHN RUDDICK (21:59): As usual, I attended an Anzac Day dawn service. Many Australians unquestioningly accept that, while it was terrible that so many Anzacs died in the First World War, it was worth it because, if we did not win that war, we would not be free today. Libertarians dissent from that view. Some wars are necessary. World War I is not one of them. Miscalculations by the political class resulted in 15 million dead, including 46,000 Australians, and 25 million wounded, including 114,000 Australians. The war overturned Europe. The Ottoman, Austro-Hungarian, German and Russian empires all collapsed. Russia descended into civil war, killing another 10 million and then unleashing the Soviet Union on the world. In the aftermath, the victor's malice at Versailles deprived the British and the French of any bragging rights about being the good guys.

Vindictiveness towards Germany produced such a backlash it brought the Nazis to power, who then gave us an even bigger world war, the Holocaust and then the Cold War.

Anzac Day is sacred, but not for the reasons we have been told. Anzac Day is the day to renew our vigilance in preventing the political class from throwing us into the abyss again. The Germans and the British had no ingrained dislike for each other. During the first Christmas in the trenches there were widespread reports of the English and German enjoying food, footy and carols together. World War I was a top-down driven war. After the Napoleonic Wars, Europe had enjoyed a century of the fruits of peace: the Industrial Revolution, global trade, scientific acceleration and the widespread adoption of liberal democratic constitutions and values.

The origins of the First World War are contested, but libertarians can cut straight to the chase: The war was caused by the Austro-Hungarian state blaming all Serbians for the actions of half-a-dozen criminal extremists who just happened to be Serbian. After the shocking assassination of the Austrian crown prince, the Serbians went into overdrive to round up the criminals and to comply as much as possible with Austrian demands. But, in a crisis, war hawks sadly dominate.

Collective punishment involves harming others for a crime the others had nothing to do with but who just happen to share a characteristic with the criminal. It is an absurdity that is magnified in the age of the nation-state. After 9/11 the Bush administration blamed Afghanistan for the attacks when it was a criminal gang of non-Afghans who just happened to be hiding out in the remote mountains of that nation. The disastrous regime-change wars across the Middle East after 9/11 could have all been avoided if Colin Powell had flown into Kabul on 12 September and said, "Mr Taliban, we know you were not involved in the attacks. But the gang that was behind the attacks is hiding out somewhere here and we've got US\$10 billion to whoever finds them and delivers them to us." Bin Laden would have been captured and punished and then the world could have moved on. Instead, we chose forever war, with millions dead, trillions in debt and a whole new generation in the Middle East that hates the West. Escalation begets escalation.

Professor John Mearsheimer from the University of Chicago visits Australia in a few days. I hope the public can take an interest in his views on the Ukraine war. Mearsheimer belongs to the realist school of foreign policy, whose sound, prudent judgement won the Cold War without firing a shot. I am interested in what Mearsheimer has to say about the Ukraine war because he warned well in advance of precisely the tragedy that is unfolding before us. In fact, Mearsheimer alone had urged Ukraine not to dispose of its nuclear weapons in the mid-1990s, advice Kyiv must now regret not taking. Mearsheimer warned that if the North Atlantic Treaty Organization betrayed its commitments and expanded east and encircled Russia with a military alliance, then Russia would have a dangerously negative reaction. He warned that a destabilised Russia would become nationalistic, militaristic and trend away from liberalisation. The Ukraine war has the potential to spiral, like the events of July 1914.

Not even Greg Sheridan, Tony Abbott or Peter Jennings today attempt to defend the four failed regime-change wars this century—Afghanistan, Iraq, Libya and Syria. But we are now meant to trust the precise same group of individuals who gave us those disastrous wars in a proxy confrontation with nuclear-armed Russia, on Russia's doorstep, over a border dispute. I hope either Donald Trump, Robert F Kennedy Jr, Michael Rectenwald of the Libertarian Party or even Jill Stein of the Green Party is elected American President in six months time. All of them want peace talks and will stop funding the butchery. Every presidential candidate is wise on Ukraine, bar President Biden, who is a puppet of the forever war camp, the most dangerous fools on earth.

JULIAN ASSANGE

The Hon. CAMERON MURPHY (22:04): Tonight I speak about the ongoing human rights and legal crisis being experienced by Australian journalist Julian Assange. Mr Assange has been the subject of a witch-hunt by the United States [US] over WikiLeaks' involvement in the leaking of material detailing horrific war crimes committed by US forces in Afghanistan and Iraq in 2010. In 2019, Mr Assange was indicted on 17 charges related to the publishing of leaked material under the contentious US Espionage Act. Publishers from mainstream media outlets such as *The New York Times* and *The Washington Post* who, like Mr Assange, published leaked material obtained from whistleblower Chelsea Manning have not faced similar charges. Ms Manning herself was released from prison in 2017 after serving seven years in relation to the leaked material.

Mr Assange is the only person involved in the exposure of these war crimes by the US military who continues to be pursued by the US Government. This is despite Mr Assange being an Australian citizen who published the material outside of the US. In doing this, the US has shown a complete disregard for Australian sovereignty and the rights of Australian citizens. Last June, I spoke in this place in support of Prime Minister Anthony Albanese as he expressed the Government's dissatisfaction with the excessive infringement on Mr Assange's liberties, sharing the view held by many Australians that the US ought to drop their case against Mr Assange and allow him to return home.

In a motion passed by the Federal Parliament this February, MPs urged both the United States and the United Kingdom to finally conclude this matter so that Mr Assange may be allowed to return to Australia after years spent in a legal limbo fighting extradition to the US. Throughout his confinement, Mr Assange's mental health has severely deteriorated. In 2019, the United Nations' Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment concluded that his treatment constituted psychological torture. Legal professionals involved in Mr Assange's case have stated multiple times that he will not survive extradition.

If Mr Assange is indeed extradited to the US, he will face a sentence of up to 175 years imprisonment. He has, of course, already served 12 years in de facto imprisonment just awaiting a resolution to the United States' extradition attempts—more than was served by Ms Manning for leaking the subject material in the first place. Recently, when asked by an American journalist to respond to Australia's request for Mr Assange's release, United States President Joe Biden announced that they were considering the request. It is extremely encouraging to hear that Australia's calls for justice are beginning to resonate in Washington.

President Biden's remarks are a noteworthy first step in putting an end to the procedural injustice that Mr Assange has suffered for over a decade. This ongoing legal saga has demonstrated a gross neglect of Mr Assange's human rights. The actions of the United States also raise serious questions about the level of protection for Australian and global journalists, who may be at risk of extensive, damaging legal campaigns akin to the one that is currently being waged against Mr Assange. As Barry Pollak, one of Mr Assange's lawyers, argued, "It sets a frightening precedent for all journalists that they too are at risk of being locked up, just for doing their job." It is well and truly time for this to come to an end. It is time to bring Mr Assange back home to Australia.

WILD HORSE MANAGEMENT

The Hon. WES FANG (22:09): I speak of another injustice, as the Hon. Cameron Murphy just did. This time it is not a human rights issue; it is more of an animal rights issue. It is unusual for a Nat to stand up and talk about animal rights issues. What we have seen in relation to the brumbies in Kosciuszko National Park is a real tragedy, and it is a real animal rights issue. At the moment the park is closed, and it is closed to enable the Government to aerially cull a number of brumbies that are in the park. That is happening concurrently with the rehoming program being paused because of what was discovered in relation to the illegal or unapproved knackery just on the outskirts of Wagga. The Government is culling brumbies, but the only humane method of rehoming them and removing them from the park has now been paused.

I do not understand the Government's methodology, I do not understand the Government's inhumanity, and I do not understand the ideology behind these decisions. People are screaming out to take these brumbies because they are so important to the culture and the iconic history that is "Australiana", and they are very much a part of the Australian culture, for so many reasons. Some of the genealogy can be traced back to the First Fleet. We were also reliant on some of those brumbies that become part of our Light Horse Brigade. We recently celebrated Anzac Day, and my great-grandfather was one of those Light Horsemen on Gallipoli and then went on to serve in Europe. We often forget that the iconic nature of the brumby is so important to that Australian identity, culture and way of life. To treat these animals in this way, without having the rehoming program in operation, is an absolute disgrace.

That brings into focus the other interesting aspect around the brumbies that people were made aware of last week. An alternative count was done and that alternative count has shown that the numbers of brumbies in the park are minuscule, compared with the numbers that the Government is using. In one part of the park where around 5,000 horses were identified, there is evidence that there was approximately one-tenth of that number. The Government already has a variance of around 10,000 between its numbers—somewhere between 12,000 and 22,000 or 23,000. When there is that much of a variance, one must wonder how accurate those numbers are. This photographic aerial count that was done has identified that there are nowhere near the number of horses that the Government says.

We are now faced with a vexed question. The Government is seeking to kill a number of horses by closing the park and shooting them from helicopters. It has closed down the only humane way of managing horses, which is the rehoming program. Potentially, we could see the wipeout of something that is iconic to the Australian way of life and the Australian identity. This Government needs to ask itself whether it wants to be the first Government that makes extinct an animal that has become part of the Australian culture. They were introduced. They are not native, but they are Australian.

COMMUNITY CONSULTATION

The Hon. MARK BANASIAK (22:14): What is community consultation? It is supposed to be the cornerstone of effective public policymaking, serving as a vital pathway between the Government and the people that it serves. It is supposed to be a process whereby policymakers engage with communities on a broad and

collaborative scale to gather insights, feedback and perspectives on proposed changes to policies or legislation. It should be a collaborative approach that ensures that policies are not only well informed but also reflective of the diverse needs of the people they aim to impact. By involving communities in consultation—the early stages of policy development—the Government can provide insight into the rationale behind proposed policies, clarify objectives, address concerns or misconceptions and, most importantly, make necessary changes. This transparency helps to demystify the policymaking process and encourage people to actively participate in shaping the decisions that affect their lives.

Ministers need to take note: Consultation is not a limited, reactive process. It is not designed simply as a check-a-box exercise. It needs to be considered and ongoing—that is, a lasting back and forth communication pathway between the relevant parties. Does this Government deserve a gold star for effective communication? Let us delve deep into some examples, starting with the Great Koala National Park. The Australian Labor Party went to the 2023 New South Wales State election with the proposal of a koala park extending from Kempsey to Coffs Harbour, with a key component being that consultative process involving all stakeholders. The so-called community consultative committee contains only one local person, who is not an environmentalist or part of the public sector—just one. The industry consultative committee saw just one sawmiller representative when it first convened. This is meant to be the panel representing the industry. It does not have the tenure holder of State forests on it—that is, Forestry Corporation of NSW—while the National Parks and Wildlife Service drives the whole process and is a direct beneficiary.

Union representation on the panel has no members in the north of New South Wales, meaning the workers in the mills of northern New South Wales are effectively unrepresented. Once upon a time, Labor was known as the people's party. Labor members set their roots in the unions and the working class of New South Wales. Now it appears that they have abandoned the workers in northern New South Wales in a desperate pursuit of a few left woke votes. The State Government's Natural Resources Commission is not involved with the panels. The Natural Resources Commission was established and maintained by governments of both political persuasions as the neutral umpire between New South Wales departments with differing agendas, particularly interests such as mining and the environment, water resources versus environment and, in this case, forestry and the Department of Primary Industries [DPI].

How is this effective consultation with the broader industry? Some 8,900 workers in the hardwood sector, with a significant proportion being directly impacted by this proposed park, are all being railroaded by a bogus process. These are the men and women who have driven the industry for decades. They are not going to pick up a cup and start pouring out fancy barista lattes when the so-called ecotourism boom occurs. Spoiler alert: It is not coming. Even Sue's mate Mark Graham confirmed that during the timber inquiry. Let's go to Groper Gate. Zero consultation was made with the industry prior to implementation of the ban and likewise with the public. The only indicator of a consultation process came after the fact in the form of a very brief survey issued by the DPI.

Ironically, the ban supposedly stemmed from community sentiment and feeling, but the post-ban survey limited people's thoughts and free speech to a maximum of 200 words—a limit, mind you, which was increased to 600 words at the eleventh hour before closure of the survey, with absolutely no notice or advice given as to why. The survey also made no consideration for culturally and linguistically diverse [CALD] fishers, which we know make up a significant portion, if not the majority, of fishers who target this species. Talk about inclusive. The department has frequently struggled to engage with CALD fishermen, despite it being raised at length by me in budget estimates.

Another example that comes to mind is the rock fishing issue. As we navigate ever-increasingly complex challenges, it is important that community consultation in policymaking is not overstated. The hardworking men and women of New South Wales, whose voices count and who quietly go about their business, should not be discounted. Just because they do not scream the loudest does not mean they do not vote. They deserve more than a metaphoric, condescending pat on the head and, at the moment it seems, at the very worst, they are being alienated from it entirely.

The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine): The question is that this House do now adjourn.

Motion agreed to.

The House adjourned at 22:19 until Wednesday 8 May 2024 at 10:00.