LEGISLATIVE COUNCIL

Thursday 16 May 2024

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

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

Motions

AGFAIR BROKEN HILL

The Hon. SARAH MITCHELL (10:03): I move:

(1) That this House notes that:

(a) Agfair Broken Hill is a biannual event that was held this year on 3 and 4 May at the Event Centre and Racecourse;

(b) the event not only showcases the latest agricultural technology, products and services, but also has food vendors, fashion and homeware stores and children's entertainment; and

(c) Agfair fosters economic growth by providing a platform for local and regional businesses, whilst also creating an exciting day out for families.

(2) That this House acknowledges the organisers of Agfair and congratulates them on another successful event.

Motion agreed to.

MARCIA CHAPMAN

Ms ABIGAIL BOYD (10:03): I move:

(1) That this House notes that:

(a) after 34 years of dedicated service at Jenny's Place, Marcia Chapman has retired from her role of Executive Manager;

(b) Marcia committed decades of tireless advocacy and passionate service to supporting women and children impacted by domestic and family violence, homelessness and poverty;

(c) Marcia was a beacon of light at Jenny's Place in advancing the mission and fighting for systemic change and meaningful social progress; and

(d) Jenny's Place has provided frontline domestic and family violence and homelessness support to women and children in the Newcastle and Lake Macquarie region since 1977, supporting countless victim-survivors over the years to be safe, housed and free from violence.

(2) That this House commends the work of Marcia Chapman and her legacy that will live on in the work of those at Jenny's Place, and wishes her all the best in her next endeavours.

Motion agreed to.

MULLUMBIMBY AND DISTRICT NEIGHBOURHOOD CENTRE

Ms ABIGAIL BOYD (10:03): I move:

(1) That this House notes that:

(a) Mullumbimby and District Neighbourhood Centre is a locally based community managed organisation that provides essential frontline support services to vulnerable people, including victim-survivors of domestic and family violence, people experiencing homelessness and housing insecurity, young people with disability and people affected by climate disasters;

(b) Mullumbimby and District Neighbourhood Centre has experienced a 60 per cent increase in referrals since 2022, following the catastrophic floods across the Northern Rivers;

(c) Mullumbimby and District Neighbourhood Centre provides a variety of funded and unfunded services, including specialist domestic and family violence services, crisis housing support, financial counselling, flood recovery programs, community meals and social inclusion activities; and

(d) without core funding from government, Mullumbimby and District Neighbourhood Centre relies on ad hoc funding streams and community fundraising to support the organisation's critical frontline work.

(2) That this House commends the dedicated work of all those at Mullumbimby and District Neighbourhood Centre who provide expert care and support for vulnerable people in the community.

Motion agreed to.

POTTSVILLE BEACH NEIGHBOURHOOD CENTRE

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

(1) That this House notes that:

(a) Pottsville Beach Neighbourhood Centre provides critical socially inclusive frontline support services to people with disability, victim-survivors of domestic and family violence, people experiencing homelessness and housing insecurity and people affected by climate disasters like floods and bushfires;

(b) Pottsville Beach Neighbourhood Centre services vulnerable people experiencing social, economic and geographic disadvantage and is often the first service that these vulnerable people engage with when seeking help, and works in partnership with key departments, agencies, community alliances and other local organisations to improve the long-term wellbeing and resilience of the community;

(c) key services that Pottsville Beach Neighbourhood Centre provides include specialist domestic and family violence services, trauma-informed counselling and care, flood recovery programs, financial counselling, child and family support services and referral services; and

(d) without core funding from government, Pottsville Beach Neighbourhood Centre relies on ad hoc funding streams and community fundraising to support the organisation's critical frontline work.

(2) That this House commends the work of those at Pottsville Beach Neighbourhood Centre who provide dedicated expert support services for vulnerable people in the Tweed Coast and surrounding community.

Motion agreed to.

RAVENSWOOD AUSTRALIAN WOMEN'S ART PRIZE

The Hon. RACHEL MERTON (10:04): I move:

(1) That this House congratulates Ravenswood School for Girls on the 2024 Australian Women's Art Prize, which opened on 10 May 2024 and runs until 26 May 2024.

(2) That this House notes that:

(a) the Ravenswood Australian Women's Art Prize was established in 2017 to raise the profile of Australia's established and emerging artists, and to address the disproportionate representation of women artists in major Australian galleries;

(b) the Ravenswood Australian Women's Art Prize is Australia's highest value prize for women artists; and

(c) the Hon. Rachel Merton, MLC, was pleased as an old girl to attend the opening night of the Ravenswood Australian Women's Art Prize and meet the artists.

(3) That this House further notes the incredible 1,616 entries in the 2024 Ravenswood Australian Women's Art Prize.

(4) That this House acknowledges that:

(a) the Ravenswood Australian Women's Art Prize has now garnered over 11,000 entries from women since its inception, with 63 per cent of the entries from emerging and Indigenous artists; and

(b) the dedication and commitment of the 2024 judges, including Patron Jade Oakley, Jennifer Turpin, Kathryn Hendy-Ekers, Kathryn Minkley, Lara Merrett and Katrina Collins.

(5) That this House further congratulates:

(a) Ravenswood School for Girls Headmistress Mrs Anne Johnstone and the Ravenswood community on an outstanding 2024 Australian Women's Art Prize;

(b) the 117 talented finalists who are from every Australian State and Territory, including rural and regional communities; and

(c) Gaypalani Wanambi on winning the $35,000 Professional Artist Prize for her work *Dawurr*.

Motion agreed to.

COPTIC ORTHODOX FEAST OF THE NATIVITY

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

(1) That this House notes that:

(a) on 6 January 2024, the Public Relations Office of the Diocese of Sydney and Affiliated Regions held the Coptic Orthodox Feast of the Nativity at St Mary and St Mina Coptic Orthodox Cathedral in Bexley, and the Hon. Mark Buttigieg, MLC, was honoured to attend, representing the Premier, the Hon. Chris Minns, MP; and

(b) hundreds of parishioners attended the celebration presided over by His Grace Bishop Daniel, including:

(i) the Hon. Natalie Ward, MLC;

(ii) His Excellency Mohamed Khalil, Consul-General of the Arab Republic of Egypt in Sydney; and

(iii) Councillor Paul Sedrak, Bayside Council.

(2) That this House congratulates the Public Relations Office of the Diocese of Sydney and Affiliated Regions for conducting such a moving, beautiful and important celebration.

Motion agreed to.

AIR QUALITY

Dr AMANDA COHN (10:05): I move:

(1) That this House notes that:

(a) NSW Health has issued a measles alert due to the recent increase in airborne illnesses, including measles;

(b) measles is highly contagious and can cause encephalitis and pneumonia, and increase the risk of miscarriage or preterm labour;

(c) the recent publication of a paper titled *Mandating indoor air quality for public buildings* in the journal *Science* emphasises the critical role of indoor air quality in mitigating disease transmission;

(d) people in urban areas spend more than 90 per cent of their time indoors, yet most building codes do not prioritise airborne disease transmission; and

(e) the approach to indoor air contrasts sharply with outdoor air, for which quality is regulated, monitored, and compliance with regulations is enforced.

(2) That this House further notes that:

(a) the pollutants carbon dioxide, carbon monoxide and PM2.5 can act as proxies to measure ventilation and air quality;

(b) cheap, robust carbon dioxide sensors are readily available and can be used inside; and

(c) implementation of air quality standards will offer protection against not only COVID-19 but also other airborne diseases such as measles, whooping cough, influenza, and pollutants such as bushfire smoke.

Motion agreed to.

Committees

PUBLIC ACCOUNTABILITY AND WORKS COMMITTEE

Reports

Ms ABIGAIL BOYD: I table report No. 2 of the Public Accountability and Works Committee entitled *Appointments of Josh Murray to the position of Secretary of Transport for NSW and Emma Watts as NSW Cross-Border Assistant Commissioner, and Senior Executives and Department Liaison Officers in 2023*, dated May 2024, together with transcripts of evidence, tabled documents, submissions, correspondence and answers to questions taken on notice and supplementary questions.

Ms ABIGAIL BOYD (10:06): I move:

That the House take note of the report.

This inquiry was established in relation to the appointment, in particular, of Josh Murray. After negotiation it was also agreed to look into the appointment of Emma Watts as the New South Wales Cross-Border Assistant Commissioner. We had our initial inquiries in relation to those two appointments, in particular. The committee then had an extension of the terms of reference to capture the department liaison officers [DLOs] after some concerns were raised. I thank the Hon. Natalie Ward for her diligence and work on the Standing Order 52 motions she has moved to try to uncover exactly what was going on in relation to the appointment of DLOs, not just within Transport but, as we have seen in budget estimates hearings, across departments.

Although it was a little muddy, and the way in which the appointment of Josh Murray was communicated and the way in which the process was communicated to the public was opaque and confusing, we have not found that there was any misconduct in relation to the appointment of Mr Murray or Ms Emma Watts. I note the frustration of committee members that the Minister for Transport did not front up to the committee. At the beginning we faced a lot of unnecessary pushback against our earlier inquiries. I think things are better now. Government Ministers now have a better attitude, particularly lower House Government Ministers, who perhaps were less familiar with committee processes.

That sparked another inquiry into the Parliamentary Evidence Act provisions to compel witnesses to attend. All of that could have been avoided if there had been a frank and transparent approach from the Minister and her team in telling us what they had done and why. Having unpicked it all—in the process we made a bunch of good

findings and recommendations—we found that the appointment appeared to be relatively above board, even though it was very clear that Josh Murray was the preferred candidate from the beginning. The committee made a very clear finding that one of the DLOs in particular had acted in his role, which is supposed to be nonpartisan, in a way that was quite political. Again, I thank the Hon. Natalie Ward for uncovering the information that led to that finding. We also looked at the transition office that had been set up and did a bunch of other investigations on that, but ultimately we made no other findings.

I note that there were some suggestions that we should continue the inquiry and that we should speak with further witnesses, which was quite vexing. The committee considered this at length and decided that, on the basis of the evidence presented and the arguments put forward at the time, there really was no sound basis for continuing our investigations. At that time and with the evidence given to us, we did not think there was any need to investigate the issue further. I know that was frustrating for the Opposition and I hear those concerns, but ultimately the Public Accountability and Works Committee is not a place for fishing and chasing down cases without any valid answers. That was a hard decision, but the committee made that decision and I think it was the right one. In the future we are always open to receiving further information and reopening an investigation if we need to at that time.

Debate adjourned.

Petitions

PETITIONS RECEIVED

Palliative Care

ePetition requesting the Legislative Council call on the Government to reverse the cut to palliative care funding and fully restore the $743.4 million that was allocated in the 2022-23 budget over the five years to 2026-27 for enhanced palliative care services throughout New South Wales, received from **the Hon. Susan Carter**.

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.

Committees

STANDING COMMITTEE ON STATE DEVELOPMENT

Reference

The Hon. EMILY SUVAAL: I inform the House that in accordance with paragraph (8) of the resolution establishing the standing committees, the Standing Committee on State Development resolved on 14 May 2024 to inquire into the following reference from the Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources, the Hon. Courtney Houssos:

Beneficial and productive post-mining land use

That the Standing Committee on State Development inquire into and report on beneficial and productive post-mining land use, and in particular:

(a) the benefits of having multiple successive land uses, including the positive benefits for local communities and the economy, business, industry, and the broader State;

(b) changes in land use potential and demand in established or traditional mining areas, particularly those generated by the decarbonised economy, renewable technology, manufacturing, defence, skills and training;

(c) opportunities for investment and growth in training and skills in established or traditional mining areas, including:

  (i) the need to reskill and or retrain current workforces; and

  (ii) the impact and effectiveness of existing and new education, training, and skills providers for mining communities.

(d) opportunities to encourage innovative post-mining land uses including:

  (i) the planning and implementation of essential supporting infrastructure for future site use;

  (ii) the development of solar farms, pumped hydro, and other clean energy industries;

(iii) the compatibility of post-mining land sites with commercial projects;

(iv) the potential of unlocking surrounding land for residential dwellings, amenities, environmental and educational facilities;

(v) potential exploration of former and legacy mining sites with modern mining technology to explore deposits in tailings and closed sites; and

(vi) the development of sites for use for advanced manufacturing, commercial and industrial use.

(e) how to ensure the benefit from innovative post-mine land uses are shared between the community and mine operators;

(f) the expectations of mining communities in relation to post-mine land use, and how to balance this with innovative reuse of existing infrastructure;

(g) the need to develop a robust independent regulatory framework to maintain and advance best practice in this area; and

(h) any other related matters.

Disallowance

EDUCATION AMENDMENT (NON-GOVERNMENT SCHOOL) ASSETS AND INCOME REGULATION 2024

The Hon. SARAH MITCHELL (10:21): I move:

That, under section 41 of the Interpretation Act 1987, this House disallows schedule 1 in relation to section 10B (1) (b) of the Education Amendment (Non-Government School) Assets and Income Regulation 2024, published on the NSW Legislation website on 1 March 2024.

I move this disallowance motion for a number of reasons. Firstly, as members would be aware, the Regulation Committee, chaired by the Hon. Natasha Maclaren-Jones, looked into and sought further advice from the Government on the Education Amendment (Non-Government School) Assets and Income Regulation 2024. I will come to some of the reasons behind that and some of the concerns that the committee had a bit later. It is important for Government members and Ministers to be aware that the Opposition does look closely at its regulations. It is important that there is scrutiny of Government policy decisions that may or may not be made via regulation rather than legislation.

The purpose of a disallowance motion and bringing on these debates is to clarify some of the reasons that the Government might be making particular policy decisions or, indeed, to move to disallow those policy decisions so that they do not go ahead if we think that it would be detrimental to the providers that are caught up in these regulations. In simple terms, this regulation will effectively restrict the places that non-government schools can offer in their early childhood education and care services. It will mean that there will be limited access for families to facilities that could be operated by independent and Catholic schools across the State.

The PRESIDENT: Order! There is too much audible conversation in the Chamber. The member will be heard in silence.

The Hon. SARAH MITCHELL: Thank you, Mr President. Under section 10B of the regulation, non-government schools that own and operate a preschool or early learning facility can only accept children who are likely to go on to attend that school. Section 10B (1) (a) makes it clear that schools providing certain education and care services do not operate for profit and that those programs should be offered to children who attend the school. That covers things like vacation care and before and after school care. That is fine. However, subparagraph (b) states:

(b) children who meet criteria specified in guidelines approved by the Minister …

Those guidelines state that only children who are likely to attend the school will be able to be there, otherwise the school is operating for profit. The guidelines have some examples of exemptions for things like single-sex schools and rural and remote areas. Our concern is that introducing a new section that says children who are not likely to attend the school will not be able to attend those childcare services will place a huge impact on families who, for whatever reason, may choose to send their child to one of those services at a non-government school.

The question that I have for the Government, which I am keen for the Minister at the table to answer, is what is the problem that the Government is trying to fix? Regulatory change is normally brought in because there has been an issue or a concern that something is not working and needs to be fixed. This regulatory change will limit the number of early childhood places at a time when we already have a shortage of places available for families. It is completely nonsensical in a policy sense. The Government has not been transparent with the non-government school sector or the early childhood education sector about this. As I have said, we have particular concerns about what the impact would be on families. I put on record two examples that have been shared with

me. These schools have asked to be de-identified because they are concerned about repercussions, but these are real examples of what this regulatory change will mean and its impact.

School A is an independent school in northern Sydney, which operates a long-day childcare centre, with approximately 140 children attending each week. This long-day care service has been quality-assessed by the Department of Education and has been awarded the highest quality, exceeding the National Quality Standard. It has a very long waiting list, catering for future children of the school, children of school staff and families, and families of the local community who need high-quality child care. Typically, up to 50 per cent of children attending that long-day care service will go on to attend other schools. That means that around 70 children will have their enrolment ceased immediately in order for the school to remain compliant with this regulation.

School B is an independent school in Western Sydney. It operates a long-day care centre, with 100 children attending each week. Once again, that long-day care service has had the highest quality assessment, exceeding the National Quality Standard. Again, it has a very long waiting list, and looks after children who are likely to attend the school but also the children of staff and families in the local community. The numbers fluctuate year on year, but typically up to 75 per cent of children attending this long-day care service will go on to attend other schools. That means that around 70 children, again, will have their enrolment ceased immediately in order for this school to remain compliant with this regulation.

A number of schools in the non-government sector, Catholic and independent, are deeply concerned about the impact of this regulation. No-one has given them a solid rationale as to why this regulation change is occurring. That is not good government. If the Government wants to make the change, it needs to go to the school sector and say, "This is why we are doing this. This is our rationale. This is the problem. This is the reason that we need to come in and do this." Frankly, the Government has not done that. It is also my understanding that the early childhood sector was not properly consulted on this regulation. I do not even know if the Minister was aware of it; I do not know how involved her office has been. I do not know if this is something that the department has done and no-one has thought through the consequences. The real-life consequences are that families across the State will have limited early childhood options at a time when we have all talked about the need to have bipartisan support for increasing early childhood education and care.

The irony is that this Government went to the election saying that it wanted to not only match but also better our early childhood education reforms and that it would deliver free universal pre-kindergarten before 2030, while spruiking 100 preschools on government school sites. The Government also has an election commitment to support 50 new preschools on non-government school sites. I assumed that that meant the Government's policy position was to be bipartisan in terms of the rollout of early childhood education and care—that it was happy to work with government and non-government schools to have provision of childcare education services on school sites. We all talk about how much simpler it would be for parents if we invested in those services so they can then avoid the double drop-off. But the Government then quietly sneaks through this regulation, which goes against its announcement to increase the number of early childhood places. It does not make sense.

The other issue that concerns me is not specific to this particular policy area—although, trust me, those concerns are valid and large. My main concern is about the process. We do not want to reach a point where this Government is hiding things in regulations that will be determined by a Minister, to have guidelines approved by the Minister. As this reads, it is children who meet criteria specified in guidelines approved by the Minister under the Act. Although there is a copy that we can see, the Minister could change that at any time. She could say that she is going to make it only certain age groups, demographics or schools. In this instance, there is not transparency or accountability in terms of what those guidelines are and what that will mean for families.

As I said, there are creeping concerns about this Government hiding its true agenda in guidelines that have no scrutiny and no accountability. I believe that that is some of the concern that came from the Regulation Committee, chaired by the Hon. Natasha Maclaren-Jones. We are really keen to hear from the Government on this. We would love to know the policy rationale as to why this was necessary in the first place. I would love to know what they are going to say to those families who will be turned away from a childcare place that suits their family best. I would love to hear their messaging and whether they still support non-government schools.

Before the election, I went to multiple events with the Minister, who very proudly said, "We support parent choice. We understand that parents will make decisions based on the needs of their children." But, with this regulation, they are taking that choice away from parents in the early childhood space. I wonder if it is because they are concerned about parents going to the private sector. I have other concerns about things I am hearing about them not treating the non-government school sector with the respect that it deserves.

Parents can make the decisions that best suit their family needs, whether that is for childcare or education. We all do it. Very proudly, I send my girls to the local public school that I attended. That is the choice my husband and I make. If someone else makes a choice to send their child to a non-government school, I respect that. But the

Minister in the government of the day has a responsibility to be the Minister for all schools, to give them equal support and, particularly in the early childhood space, to make sure that they are not limiting the options of families.

That is exactly what this regulation is doing. It is unnecessary and unclear where the Government pulled this from. I invite the Minister to provide some clarity. As I said, the reason for this disallowance motion is that the Government needs to do better. This one needs to go. Government members need to speak to the sector, rework it and clearly tell parents what they plan to do, not sneak something through under the cover of darkness, hoping nobody notices.

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (10:31): I lead for the Government in debate on the disallowance motion. I indicate that the Government will oppose it. It is an interesting attempt by the Opposition. I welcome the contribution from the Hon. Sarah Mitchell when she said she is paying close attention to the regulation, but her contribution shows how out of touch she is and that she does not understand the context. I will be really clear from the get-go: the Deputy Premier, myself and this Government absolutely support non-government schools. We think they do important work educating a large proportion of our students in New South Wales. That is why we made an election commitment, which the shadow Minister referenced in her contribution, of a $60 million investment to build and upgrade at least 50 schools on non-government school sites. For the first time, we are giving money to partner with non-government schools to provide more preschools and more access to early childhood education.

I am not sure whether the previous Government matched that commitment. Maybe the shadow Minister can tell us in her reply. But we wanted to partner, and we are partnering, with non-government schools to provide additional early childhood services. There were a range of inaccuracies in the shadow Minister's contribution. I accept that that is probably based on false information that has been provided to her, but let me provide clarity to the House. This regulation was made after months of consultation with the sector on how to implement our election commitment. The sector asked for more certainty around the use of its income and assets to provide preschool services. This is not, as the shadow Minister tried to imply, something operating within the department that nobody knows about. This is a key election commitment from our Government. The Deputy Premier and her office are deeply involved in delivering on what we promised. This regulation provides the clarity the sector asked for. I accept that in opposition members are unsure and do not get the full picture. I have been there, done that.

The Hon. Wes Fang: Don't be so condescending.

The Hon. COURTNEY HOUSSOS: There were patronising parts to the previous contribution. Let me provide clarity to the House: Non-government schools in receipt of government financial assistance must not operate for profit. That is a fundamental principle that has underpinned government support for the non-government sector for generations. That is the way we will continue to operate. We will continue to support and to work in partnership with excellent non-government schools that operate around the State. Existing services that do not operate for profit will not be affected. This regulation enables our election commitment to be brought into practice, and it was asked for by the sector.

New clause 10B permits non-government schools to use certain income and assets to provide recognised education and care programs, such as preschool, early learning and out-of-school care for students and future learners of the school. The regulation is supported by guidance in the Minister's *Not-For-Profit Guidelines for Non-Government Schools*. It was an interesting contribution from the shadow Minister when she said that they can have access to those. Then, what is the problem? There is a regulation that will exist, and a publicly available policy. This is making a mountain out of a molehill. The specific circumstances outlined in the guidelines include:

- children who are likely to attend the school; or
- children who will not attend the school by virtue of the school's eligibility criteria, in circumstances where the recognised education and care program is delivered mainly for children likely to attend the school (for instance, a co-educational preschool provided by a single-sex non-government school); or
- children who do not attend the school, in circumstances where the recognised education and care program is delivered mainly for children who attend the school (for instance, vacation care provided for children who attend the school, and also offered to children from other schools); or
- children who will not or do not attend the school in circumstances where there are no other recognised education and care programs of the relevant kind in the geographic vicinity (for instance, delivery of a preschool program or out of school hours care in a regional or rural area).

…

> The criteria "children who are likely to attend the school" recognises that there will be children who, at the time of enrolment in a recognised education and care program, are likely to attend the school, who will not, in fact, go on to attend the school. This criteria ensures that a school will not operate for profit solely because of the fact that these children did not ultimately go on to attend the school.

It is providing a clear and good-faith exemption for parents who make a different decision, without penalising the school as a result. The new clause 10B operates because section 83C (3) of the Education Act 1990, which the shadow Minister will be familiar with, expressly permits a regulation to specify if a school operates for profit because of any particular use of assets or income, any payment in relation to the school or any other matter.

Consistent with this section of the Act, new clause 10B (1) specifies that a school does not operate for profit if a school's proprietor uses school assets or income to provide a recognised education and care program for certain children. As we said, it permits the Minister to specify criteria for some of those children in guidelines under section 83L of the Act. The new clause permits non-government schools to use certain income and assets to provide recognised education and care programs, such as preschool, early learning, and out-of-school care for students and future learners of the school. It will also be supported by the Minister's not-for-profit guidelines. As the shadow Minister said, those will be available publicly, so there is nothing to hide here.

This process provides clarity and more certainty for non-government schools as Labor implements this important election commitment. The Government wants more kids to have access to preschool. As a mum, I am very sympathetic to the challenges of the double drop-off, as are the Deputy Premier and so many members of the Government. We understand those practicalities, which is why we made the election commitment to put more preschools on public school sites but also, in partnership with the non-government sector, to put them on non-government school sites. We understand that some parents make this choice, and the Government wants to support them in that process. This disallowance is a practical solution to enable the Government to deliver on that important election commitment. The Government is absolutely committed to working in partnership with the State's non-government school sector, which the Deputy Premier is doing. Finally, the Regulation Committee looked specifically at this regulation. To quote the Hon. Natasha Maclaren-Jones from her contribution in the House yesterday:

> On balance … in this instance the committee has not recommended disallowance … the committee will remain alert to the use of legislative power to delegate matters to non- or quasi-legislative documents such as guidelines.

Disallowance was not recommended in this case by the Regulation Committee. Some of the comments made by the shadow Minister were needlessly inflammatory. The idea that the Government is quietly sneaking this regulation through or hiding things in regulations and not being transparent is factually not the case. This practical regulation will allow the Government to deliver on an important election commitment that the community needs and asked for.

Ms ABIGAIL BOYD (10:41): On behalf of The Greens, I indicate that we will not be supporting the disallowance motion, which seeks to remove the provisions in the Education Amendment (Non-Government School Assets and Income) Regulation 2024 that relate to the conditions that must be met for a non-government school in receipt of public moneys under the NSW Labor election commitment to provide $60 million for non-government schools to expand pre-kindergarten access. The $60 million gift to non-government schools sits alongside another 2023 Labor election commitment to build 100 public preschools, which was Greens NSW policy long before the 2023 State election. We encourage the New South Wales Labor Party to continue trawling through all of The Greens' policy proposals, all of which are developed using a democratic and consensus process through our grassroots membership and are publicly available online. Something has to change when it comes to the state of the education system in New South Wales. My colleague in the other place the member for Ballina, Tamara Smith, said:

> So much of our childcare industry is privatised, which means the government's attempts to ensure affordability haven't worked in a vicious private market. Corporate profit margins are being put before setting every child in this country up for success.
>
> Australia is lagging behind other OECD countries when it comes to early-childhood education. Both federal and state Labor governments need to act to ensure that pre-school is universally available and free.

I thank and congratulate Tamara on her continued hard work and advocacy over many years in this space. It is important to note that the Labor election promise of a $60 million gift to non-government schools, as costed by the Parliamentary Budget Office, is using funds taken from the Government's universal pre-kindergarten initiative—the same pool of money that is being used to fund the 100 new public preschools. One could easily see this provision as coming at the expense of more public preschools. How many more public services could have been funded without the additional burden of these guidelines to keep private operators in check had the Labor Government had a genuine commitment to the provision of universal public education? One also has to consider how universal this commitment really is, when it is being funnelled into the pockets of private operators that continue to be exempted from the State's anti-discrimination laws.

The Greens wish that there was no public money being provided to non-government education providers, but unfortunately that wrongheaded decision by the New South Wales Labor Government does not exist in a disallowable instrument. Instead, we are left with a situation where money is already out the door to these non-government schools and it must be decided what guardrails are placed around that money to ensure that it is being spent as efficiently and equitably as possible to achieve the Government's stated aims. This disallowance seeks to remove those guardrails, creating an open slather environment for sandstone schools to profit from. For this reason, The Greens cannot support the disallowance motion.

I also note the strange circumstances surrounding this disallowance motion coming before the House today, because the Regulation Committee did not recommend this regulation for disallowance. We should also consider that the regulation was written in consultation with the Association of Independent Schools of NSW and Catholic Schools NSW, with the intent of providing clarity and certainty to applicants for funding. That there now seems to be a push from those sectors to disallow the instrument belies a cynicism and self-interest that I do not believe will stand them in good stead but is unfortunately unsurprising. Apparently, a gift of $63 million of public money, with the opportunity cost of displaced potential publicly owned and operated early childhood education and care, is not generous enough for these allegedly benevolent organisations. The Greens will always fight for public education at all levels that is universally accessible to all people. Unfortunately, New South Wales is a long way from that goal but, in the interim, The Greens will oppose the disallowance motion.

The Hon. DAMIEN TUDEHOPE (10:45): I speak briefly in debate on the disallowance motion. I declare at the outset that I was a proprietor of early childhood centres, as the Leader of the Government well knows.

The Hon. Penny Sharpe: My son went to one of them.

The Hon. DAMIEN TUDEHOPE: Her son attended one of my childcare centres. I did not educate him properly, obviously! I am sure we did. The provision of child care is one of the biggest challenges facing a society wanting to be more productive. Providing opportunities for parents to return to work in circumstances where they know their children are being looked after and provided with a quality education is a fundamental concern of parents. The drafting of this regulation is not predicated upon guaranteeing that the funding is directed to ensuring a quality product, but potentially upon ensuring that a concern with just the status of the organisation that is receiving the funding. Primarily, the role of government in relation to child care should, first and foremost, be directed to ensuring that when children are attending a childcare or preschool centre, the product provided to them is of a quality that the community expects. It is plainly wrong to say that the sector was properly consulted on this regulation, because the level of pushback on the manner in which it has been drafted was articulated by one representative organisation, which wrote of its position:

> We're very disappointed that the NSW Government is introducing a measure to restrict parents from being able to access a childcare or early childhood centre run by a non-government school.
>
> At a time when families need more childcare and early learning places, the government has quietly introduced a regulation that prevents early childhood centres run by non-government schools from taking children who aren't going on to attend the school. This restriction doesn't apply to government schools.
>
> This will disadvantage a family who needs a childcare place *now*, but whose child is enrolled to attend a different school in the future.
>
> These centres will now be forced to cut the number of children they have to only those who will attend the school -- at a time when there's a shortage of childcare places across the state.
>
> How does this align with the Government's objective to expand quality early childhood services and get more parents back into the workforce?

That sentiment encapsulates exactly what is wrong with the regulation and why it should be disallowed by the House. The only and primary criteria for funding should be that a centre provide quality outcomes and that it not necessarily restrict the number of places. It is inherent in the Government's policy that government funding be for not-for-profit organisations. I understand where that is coming from. But to adopt the criteria that children must attend the school to which the childcare centre is attached places an unnecessary restriction and administrative burden on that school. It also places a burden on parents, who may not necessarily have made a decision on where their children will attend primary school. The Government needs to rethink this policy, because it does not achieve what it should. The only criteria relating to the funding of those centres should be that they provide a quality product.

The Hon. SARAH MITCHELL (10:51): In reply: I thank members for their contributions. I am not surprised by the position that has been taken by the Government or The Greens. The Minister said I used false information in my contribution. That is not offensive to me; that is offensive to the schools and sector leaders that have reached out with serious concerns about this regulation. They said that the contradiction between the public statements from both the Premier and Deputy Premier supporting universal preschool and the restriction of early

childhood options for working parents through this regulation is worrying. The Opposition is not saying that; the people who are directly impacted by this decision are saying that.

They wanted us to raise those issues on the floor of the House so that they can be addressed. The key problem is that this will cause headaches for families in the future. There is no question about that. When that occurs, we will come into the Chamber and say, "This is exactly what we told you was going to happen and you didn't listen." The Minister talked about making sure that there are places available for students and "future learners" of a school. She referenced the clause in the guidelines in relation to "children who are likely to attend the school" but also mentioned the qualifying comments, which state:

> The criteria "children who are likely to attend the school" recognises that there will be children who, at the time of enrolment ... are likely to attend the school, who will not, in fact, go on to attend the school.

Those opposite are already admitting that they know that parents might make different decisions. As the Hon. Damien Tudehope has said, what if parents have not decided? If they are sending their six-month-old to an early childhood centre, they might not know where they are going to send them for primary school. Parents have a right to make that choice. The flip side of that is if they do know. I will give an example. If I know that my child is going to the local public school in Gunnedah, where I live, but one of our independent schools offers a childcare program that suits me and that I can get a place in, do I have to lie on my application and say, "Well, I haven't decided," or, "I might be sending my child to this school," just to get the childcare or the preschool placement for my two- or three-year-old child?

That is what will happen because that is how parents will fit the criteria. The schools will be nervous about breaching this. No school wants to operate for profit. Section 83C of the Act is as strong as it needs to be to ensure that they do not. But this regulation creates a whole level of uncertainty for the average mum and dad who, to be frank, just want a childcare place for their child. The regulatory responses from this Government have been poorly thought out and poorly considered. The sector is not happy. As I said, I guarantee that we will be back in the Chamber saying, "I told you so" in the very near future when there are cranky parents who have limited childcare options because of this Government.

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

The House divided.

Ayes 16
Noes 22
Majority.....6

AYES

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

NOES

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

PAIRS

Farlow	Donnelly

Motion negatived.

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

Visitors

VISITORS

The PRESIDENT: I welcome to the public gallery student leaders from high schools across New South Wales who are attending the Secondary Schools Leadership Program conducted by Parliamentary Education and Engagement. You are all very welcome here today.

Questions Without Notice

STATE BUDGET

The Hon. DAMIEN TUDEHOPE (11:02): I welcome the student leaders and ask them to observe the manner in which members on this side of the House behave, and the manner in which questions are probably not answered by those on the other side. My question is directed to the Treasurer. Noting the statement by the Premier that he remains hopeful of clawing back more funding for New South Wales from the Albanese Government, is the Treasurer hopeful of clawing back any extra funding ahead of New South Wales budget day on 18 June 2024?

The Hon. DANIEL MOOKHEY (Treasurer) (11:02): I thank the shadow Treasurer for two questions on two days in a row, which is a new record for him. I also join him in welcoming the school leaders to the Chamber. I think the question that the shadow Treasurer was in fact asking me was, "What have you done lately?"

The Hon. Damien Tudehope: Point of order: The Treasurer should answer the question that I asked him, not the one that he thinks I asked him.

The PRESIDENT: I know it is Thursday and that we are all enthusiastic, but members will rein things in a little. It would be nice to have a copy of the question, but I do not need it to rule that when the Treasurer asks himself an entirely different question it is out of order.

The Hon. DANIEL MOOKHEY: As the Minister for Roads said yesterday, I can assure the shadow Treasurer that this week we managed to claw back billions of dollars extra from the Commonwealth that it otherwise would have taken away. I repeat the invitation by the Minister for Roads to the shadow Treasurer to just say, "Thank you. Well done. Keep going and keep at it."

The Hon. Damien Tudehope: Point of order—

The PRESIDENT: Order! The Leader of the Opposition will resume his seat. I understand that members are enthusiastic, but there are too many interjections. Members will pull back so that the students in the gallery can hear what is going on. What is the member's point of order?

The Hon. Damien Tudehope: This question was about the basis on which the funding will be acknowledged by the New South Wales State Government. The Treasurer is a long way from answering that question.

The PRESIDENT: The Treasurer is being directly relevant. The Treasurer has the call.

The Hon. DANIEL MOOKHEY: As I was saying, that is just what we did this week. If the shadow Treasurer wants to know what we did last week, I can tell him that we managed to get an additional $304 million from Canberra as part of the National Housing and Homelessness Agreement. Is that enough? Not by any means. Do we need more? Absolutely. But it must be acknowledged that the Government is helping to make sure that we get our fair share from Canberra. Contrast that with the approach of the Opposition when it was in government. When the shadow Treasurer was the Minister for Finance in a Liberal Government in Sydney and dealing with a Liberal Government in Canberra, what was its record? We inherited Commonwealth hospital funding that had slipped to its lowest level.

The PRESIDENT: The Hon. Bronnie Taylor will cease interjecting.

The Hon. DANIEL MOOKHEY: When it comes to the National Housing and Homelessness Agreement, the shadow Treasurer is indifferent to the fact that, under Scott Morrison, the Federal Government contribution had fallen to its lowest level since 2013. When it came to hospitals, despite the pandemic, the Opposition let the Commonwealth contribution fall to its lowest level in more than a decade. We will continue fighting for the State's fair share and look forward to that fight going on. It might take some time, but we are up for the long march. We are determined that this State gets its fair share.

The Hon. DAMIEN TUDEHOPE (11:07): I ask a supplementary question.

The PRESIDENT: Order! The Leader of the Opposition will resume his seat. I am of a mind to not allow the Leader of the Opposition to ask a supplementary question because Opposition members have been screaming and yelling too much. He will instruct his members to cease yelling at Ministers.

The Hon. DAMIEN TUDEHOPE: I note that the Treasurer cannot confirm, or elected not to confirm, any extra Commonwealth funding clawed back before 18 June 2024. Will the Treasurer confirm that the figures for anticipated Commonwealth payments to New South Wales that will be included in the New South Wales 2024-25 budget will be as stated in the current Commonwealth *Budget Paper No. 3*, or will they be speculative figures based on the Premier's hoped-for clawback of extra Commonwealth funding?

The Hon. DANIEL MOOKHEY (Treasurer) (11:08): One shall not debate the question, but one shall reflect on it. The reflection I have on this question is that members should not turn up with pre-planned supplementary questions that make no reference to the answer just given. In his question the Hon. Damien Tudehope said that I cannot confirm the figures. I just made the point that we clawed back $2.1 billion in one agreement and an additional $304 million in another agreement. I can assure the member that this will be reflected in the budget that I give. I found the second part of the question more telling. As a former Minister for Finance he should be well and truly across the way that the State Treasury prepares budgets because it is the exact same practice that he presided over when he was Minister.

The Hon. Natalie Ward: Point of order: These are very serious questions about the budget, and the Treasurer has reflected on another member in this place. He should do so by way of substantive motion, and he should be directed back to answering the very serious question that was put to him as Treasurer.

The PRESIDENT: I do not think there was a particularly onerous reflection on another member, but the Treasurer is beginning to stray. He should return to the leave of the question. The Treasurer has the call.

The Hon. DANIEL MOOKHEY: As I was saying, the former finance Minister would know—if he does not, that is quite telling—because he was the finance Minister who instituted this practice, not us. He was the finance Minister who introduced the practice of the New South Wales Treasury providing its own estimates for the size of the GST pool. That was not a choice we made; that was a choice he made. I can assure the member that we will use the exact same forecasting methodology that he used when we deliver the budget in June.

RIVERWOOD HOUSING ESTATE

The Hon. MARK BUTTIGIEG (11:10): My question without notice is addressed to the Minister for Housing. Will the Minister update the House on how the New South Wales Government is delivering more homes in south Sydney?

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (11:10): Indeed I can because it is obviously a key priority of the New South Wales Government to get on with the job of delivering more homes. That is why I was pleased recently to announce our plans for Riverwood, which is a suburb in south Sydney with a large concentration of public housing. We have put forward plans to deliver even more public housing. The path forward for the Riverwood housing estate is on public exhibition. That plan will deliver hundreds of new homes, 50 per cent of which will be social and affordable housing, consistent with the commitment made by the Government to deliver more homes overall, but particularly for those in need.

Again, this is not just about more housing, although that is obviously critical. We have always acknowledged that more homes need to be supported by more infrastructure. Our plan, which is on public exhibition, includes a new internal road, a new public domain and, importantly, a new childcare centre for the vicinity as well. That is what it is all about: new homes and that infrastructure. I can report to the House that our plans for Riverwood have received a mixed response from members opposite. I acknowledge that. I was pleased to see that the member for Oatley, Mark Coure, called for the redevelopment of the area in 2016. He said:

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

He said that of Riverwood in 2016. But as I said, I acknowledge the responses have been mixed. There has also been some opposition from Mark Coure. In 2023 he said:

> It is fantastic news that the Riverwood Housing Plan has been killed off by the NSW Government.

Of course, that is the history of Riverwood: In 2016 Mark Coure called for the redevelopment and lauded it as an important step, but then he backflipped in 2023 and celebrated the cancellation of exactly the same project. Unbelievably, we have revived the project and put it back on track. I am used to mixed messages from the Opposition on housing. Normally it is Rath v Henskens, with Team Rath over here—keep going. That is normal; I am used to that dynamic. I am less used to the opposition and the support coming from the same individual. That is a new dynamic for me. I am getting used to that, but I am okay.

I will take the 2016 Mark Coure. At least he had some interest in delivering more housing. Unfortunately Mark Coure 2.0, the new but not improved version, is opposed to housing along with those on the Henskens side

of the Opposition. But I do not care about any of that; I care about housing and infrastructure. That is the plan that we have put forward; that is the plan that is on public exhibition. I encourage members opposite to work with us to build the homes that these school students will need in the future.

PUBLIC SCHOOLS FUNDING

The Hon. SARAH MITCHELL (11:13): My question is directed to the Minister for Finance in her own capacity and also representing the Minister for Education and Early Learning. Noting the Commonwealth budget allocated just $14.2 billion over the four years from 2024-25 to 2027-28 to Quality Schools funding for New South Wales government schools, will that stated funding be used to inform the upcoming New South Wales budget, or will the budget be based on the assumption that the Minister for Education and Early Learning will succeed in the campaign to persuade the Commonwealth to significantly increase its funding for New South Wales government schools?

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:14): I thank the member for the question about schools. I take the opportunity to welcome our school leaders who are in the gallery for question time. I am really delighted that we have such a relevant question for them. Yesterday the Deputy Leader of the Opposition asked me a question about education funding in the budget. I said that the negotiations between the Federal Government and the State Government continue. We hope we are on the cusp of an agreement for the next five-year tranche of funding for our schools in New South Wales.

Yesterday I commended the Deputy Premier for her tireless advocacy for the students, teachers and parents of New South Wales to get a better deal out of the Federal Government. We are unapologetic about wanting to get the best deal possible for New South Wales out of this next funding agreement. As the Premier and Treasurer have said, we hope we can get a better deal. Those negotiations are ongoing. If there is an update to those negotiations, of course that will inform our budget papers, which we will deliver on 18 June. If there is no update to those negotiations, those conversations will continue and that will be reflected in subsequent budgets or half-yearly reviews as they are released. That is the appropriate place for that to occur.

The Hon. Daniel Mookhey: As required by law.

The Hon. COURTNEY HOUSSOS: I acknowledge the interjection from the Treasurer who said, "As required by law." These are the same arrangements that were in place for the previous Government. Those arrangements govern the way that budgets operate and we take that seriously. Members on this side of the House understand the privilege we have to form government, deliver budgets and make positive change for the people of New South Wales. This budget will see more funding for education because that is what this Government was elected to do.

We were elected to rebuild schools after 12 years of neglect by the former Government—indeed, by the former education Minister; the member who asked the question. I am delighted to say that over her time as the responsible Minister we saw chronic teacher shortages and the number of school administrators increased by more than 4,000 with only 60 new classroom teachers. We saw merged and cancelled classes. These students will be able to inform the former Minister about their experiences. We remain unapologetic about the way that we will continue to deliver increased funding and better outcomes for the people of New South Wales.

The Hon. SARAH MITCHELL (11:17): Mr President—

The PRESIDENT: Before I call the Hon. Sarah Mitchell to ask a supplementary question, I make the point that she had been very well behaved until that answer. Nonetheless, I will allow her to ask a supplementary question.

The Hon. SARAH MITCHELL: I ask a supplementary question. Will the Minister elucidate the part of her answer where she indicated that the Government was hopeful that it would be able to land an agreement with the Federal Government and that future budget papers would reflect that? Will the Minister confirm that if no additional funds from the Commonwealth are received, will the State Government still make up the Schooling Resource Standard shortfall in those State budgets?

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:18): I thank the member for her question. She must believe that I have a genie or magic ball upstairs in my office that I can use to predict the future. I have been clear: We are continuing those negotiations, we are hopeful of a better outcome and we will continue to—

The PRESIDENT: The Minister will resume her seat. An Opposition member has asked a question. The very least Opposition members could do is listen to the answer. The Minister has the call.

The Hon. COURTNEY HOUSSOS: A series of hypothetical questions were posed to me. I encourage the shadow Minister to tune in to the budget on 18 June when we will provide an update to the people of New South Wales on the funding that will be allocated across a range of sectors, including our schools. We remain committed to rebuilding our schools after 12 years of neglect. If members want to talk about merged and cancelled classes, chronic teacher shortages and the fastest falling education outcomes in the world, that was the legacy of the member who asked me the question. It is the legacy of 12 years of neglect by the Liberals and The Nationals.

We remain committed to improving and rebuilding our public services in New South Wales. It is what we were elected to do, and the Deputy Premier is getting on with doing it. That is what our Government is committed to doing. We have taken our teachers from being the worst paid in the country to the best paid. What did the previous Government do? It said, "No, we don't need more teachers. We need more administrators. We need more bureaucracy."

The PRESIDENT: The Hon. Sarah Mitchell will cease interjecting.

The Hon. COURTNEY HOUSSOS: The students in the gallery today deserve the best outcomes and the best opportunities—and that is what this Government is committed to delivering.

The Hon. MARK LATHAM (11:20): I ask a second supplementary question. Will the Minister elaborate on her statements about falling school results and increased funding? Why has the funding increased over the past 15 years but the results have gone backwards?

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:20): I thank the Hon. Mark Latham for a really important question—one that is relevant to our audience in the gallery today. Under the previous Government we saw record levels of funding over 12 years.

[*Opposition members interjected.*]

It is true! It came as a result of the Gonski agreements that were fought for and delivered by Federal Labor governments. Did it see an improved student outcome? No, it did not, and I will tell members why. Under the previous Government we saw school-based executives increase by 4,000 and classroom teachers increase by just 69. The funding going into the sector was not delivered to students. It was not delivered to teachers. Principals were faced with ridiculous amounts of administration because of an ideological fight pursued by those opposite.

I commend the Deputy Premier. This Government is committed to increasing the funding; I think we delivered more than $3.5 billion in our very first budget for the schools in Western Sydney to start those upgrades because of the poor planning. We need better classroom facilities. We need more funding directed to in-classroom activities that will improve student outcomes. As I have said, that is why we have taken our teachers from being the worst paid to the best paid. That is a significant change that will deliver better results for our students. We are the ones who will deliver for the people of New South Wales.

HOUSING AND IMMIGRATION

The Hon. ROD ROBERTS (11:22): My question is directed to the Hon. Rose Jackson, in her capacity as Minister for Housing. As recently reported by the ABC, Labor Premier of Queensland Steven Miles and his Treasurer Cameron Dick have each separately called on the Federal Government to reduce migration levels so as to ensure housing supply keeps pace with population growth. Given that the housing supply is also a serious and concerning problem in this State, will the New South Wales Labor Government be making a similar call?

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (11:23): I thank the Hon. Rod Roberts for his question. I did note those calls from the Queensland Government. I also noted that the Federal budget released this week projected a decline in migration. The Treasurer has just reminded me of the figures out this week which show there has been a real decline over recent months. The pressure that migration would be putting on our housing market has been acknowledged and there has already been some movement in relation to that.

The New South Wales Government has always said—and the Premier has led this on behalf of the State—that it would like to be part of a sensible nationwide conversation about migration. What we have tried to avoid doing is making excuses to abdicate our own responsibility. The easy thing we could do as members of a State government is throw up our hands and say, "There are levers that other levels of government have to pull, whether it is the Commonwealth Government or local government. They need to do that work. Therefore, there is no responsibility on us to do anything." That is not the kind of leadership our State has tried to show in relation to this issue.

We do not control migration. We can say, "Yes, we would like a sensible conversation about that. We do think it plays a role"—and we have said that. But we will not say, "Well, until that's resolved there's nothing we can do", because of course that is not true. We can reform the planning system, which we have done. We can take steps in relation to rebuilding social and affordable housing, which we have done. We would welcome that conversation and we think it is part of what we have to do, but it sits alongside us stepping forward as leaders and change-makers in this State in our areas of responsibility. That is a good thing.

However, as I have said before, we need to be mindful of the fact that almost all migration into this country right now is a good thing that brings us fantastic skilled workers. They are the doctors, the aged-care workers and the nurses in our regional hospitals. They are beloved and important members of those communities, and our communities in Sydney. We always need to conduct these debates sensibly, acknowledging how serious the housing crisis is and the levers that are available, but being clear that migrants as individuals make a fantastic contribution to our State and our society. Migration overall has been an important part of our economic growth and productivity in recent years. Both things can be true at the same time, and we can have sensible arguments acknowledging different perspectives. But it is important that migrants know what a valued part of our community they are.

GOVERNMENT PROCUREMENT

The Hon. Dr SARAH KAINE (11:26): My question is addressed to the Minister for Domestic Manufacturing and Government Procurement. Will the Minister update the House on the role that government procurement can play in supporting local jobs, particularly in regional areas?

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:26): I thank the Hon. Dr Sarah Kaine for the question and her excellent inquiry that is underway. As members have canvassed in the House many times, last year I wrote to Dr Sarah Kaine and asked her to begin a procurement inquiry, which is well underway and doing excellent work. The Government is looking forward to receiving its recommendations and acting upon them. This week's Federal budget saw a Federal Labor Government that understands the need to rebuild our domestic manufacturing capability, after years of not just neglect but active dismantling by the former Federal Liberal Government.

It is great to see the Federal Opposition in Canberra has not learnt its lesson and is opposing it. We see the same from Opposition members in this Chamber. Let us reflect on the legacy the Government inherited. Whether it was cracked light rail vehicles from Spain, ferries from Indonesia with asbestos, the risk of decapitation by taking a little trip up the Parramatta River, or an intercity rail fleet link that did not fit the tracks, it was not only those valuable jobs we were sending overseas but also the substandard products we were getting. We are committed to turning that around.

Last month I was delighted to visit the Liverpool Plains. While I was in Gunnedah I met with Glenn Many at the Many Fabrication and Engineering factory. The company has a fantastic new facility. It was amazing to hear that this is a 100 per cent Indigenous, locally owned and operated business. The business gave me feedback directly. It is doing amazing work with the mining industry, in particular, projects with the Boggabri Coal Mine. This really small business has expanded and is supporting the local economy by working directly with the mining industry, but it cannot access government procurement dollars. A 100 per cent Indigenous-owned business cannot access funding through our current procurement framework.

Do members know why? Because it is set up to benefit large companies instead of providing important support for small- and medium-sized manufacturers. The Government is committed to fixing that. Last year the Government slashed red tape around insurance requirements for small and medium enterprises when tendering for government contracts. The Government will continue to look for opportunities to make it easier for small- and medium-sized businesses to engage with the New South Wales Government and get access to important government procurement dollars.

STATE BUDGET

The Hon. JOHN RUDDICK (11:29): My question is directed to the Treasurer. On 31 March this year the Treasurer's office received a budget submission. The 37-page submission outlined a comprehensive range of State-funded agencies to be abolished, and what remained of the State would be made more efficient through maximising free market forces. The budget proposal was unashamedly inspired by Argentinian President Javier Milei. It was of course the Libertarian Party's budget submission. Will the Treasurer confirm whether he will be implementing our budget proposals in full or will he take the meek approach of piecemeal half-hearted economic reform, which leads to our stagnation and decline?

The Hon. DANIEL MOOKHEY (Treasurer) (11:30): I thank the member for his question. I also thank him for is 37-page budget submission, which is my favourite budget submission so far for the simple reason that it comes with pictures, which I am very grateful for. The Government is studying it closely and reviewing it carefully. We have some questions about some of the member's proposals. For instance, on page 12 the member invites me to "allow people to use all force necessary to defend themselves, both because that is morally right, and also because it creates a disincentive for criminals", which I presume is part of the members campaign to defund the police. That is the first proposal.

The Hon. Wes Fang will have an interest in the second breathtaking idea, which I would like more detail on. The member is calling on the Government to allow Riverina and New England to break off and form their own States. But in case I thought that was insufficiently Mileist and that I was too soft, and should such a proposal be resisted, I am invited to declare New South Wales an independent country. I have my problems with Canberra. I am yet to embrace secession as the cause despite the invitation. I appreciate the submission.

I have spent a lot of time recently engaging with the entirety of the crossbench about all of their suggestions. I summarise them for the House. The Libertarian Party basically says that I should smash the State. The Greens say that I should smash the rich. The Shooters say that I should smash anyone I want so long as they get to do the smashing. My good friends at One Nation say that I should smash anyone that Sky News *After Dark* says I should smash. Legalise Cannabis says, "Smash anyone you want so long as I'm smashed." The Liberals want me to smash the poor. My good friends in The Nationals just want me to smash the Liberals. The Labor Party is more interested in building, not smashing; in leading, not following; in commonsense proposals, not necessarily some of what we are invited to do. I say to the member, if he is asking me whether I am going to be meek, mild and incrementalist, of course I am.

The Hon. Mark Latham: Will the Treasurer table the document he is referring to?

The PRESIDENT: Under Standing Order 58 (2), an order may be made by motion without notice moved immediately on the conclusion of the speech of the Minister who quoted the document.

[*Business interrupted.*]

Documents

TABLING OF PAPERS

The Hon. MARK LATHAM (11:34): I move:

That the document from which the Treasurer was quoting be laid upon the table of the House.

I do not want to hold up questions without notice, but in the interest of transparency the document is interesting. The Treasurer sounds like he is almost sleeping with it at night to get across it. Why should it not be tabled? It is simple, is it not?

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

Motion agreed to.

Document entitled *Libertarian Party Submission to the 2024/25 NSW Budget: A Mileist Budget for NSW*, dated 30 March 2024, tabled.

Visitors

VISITORS

The PRESIDENT: I welcome to the Parliament student leaders from high schools across New South Wales to this slightly odd questions without notice who are attending the Secondary Schools Leadership Program conducted by the parliamentary Education and Engagement team. You are all very welcome. I also acknowledge students from William Carey Christian School in Prestons who are participating in the Legal Studies and the Legislature Program conducted by the parliamentary Education and Engagement team. You are all very welcome. I also welcome and acknowledge visitors in the public gallery from the Parliament of New Zealand as part of the Australian Political Exchange Council. You are all very welcome indeed.

Questions Without Notice

ROADS INFRASTRUCTURE

[*Business resumed.*]

The Hon. NATALIE WARD (11:36): My question is directed to the Minister for Roads. Now that the Commonwealth has backflipped on the funding for Mamre Road stage two, Garfield Road East and Elizabeth Drive, when will shovels be in the ground to start construction on these three specific projects?

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (11:36): I am very happy to answer the question from the shadow Minister. I am glad she is asking about this important Federal budget. The Leader of the Opposition brushed over it. That was Tuesday—billions of dollars. Now he has moved on to what has happened recently, but the shadow Minister is focused on what the Federal budget means for the State. They are good questions.

I would not characterise it as a backflip so much as the Commonwealth going through its prioritisation. The New South Wales Government is glad it is at the table on these important projects. The projects the member has singled out, particularly Mamre Road, are crucial roads in Western Sydney; there is no doubt about that. Think about the development applications that are queueing along Mamre Road as the investment comes through in stage two—$500 million from the Commonwealth is now coming into this project. The State Government has known the importance of those roads. As was the case with the road she asked about yesterday, we already have planning and serious work underway. Again, it is legitimate for the member to ask precisely the timing of those projects. As I did yesterday, I will take it on notice so I can be precise for her, as I was able to be yesterday, on the timing. The bottom line is it has been a big week in infrastructure because of the Federal Government.

I heard the Leader of the Opposition expressing some scepticism about my assurances to the House yesterday. I might spell it out in a little bit more detail. Yesterday I put it to him that we are no longer the sad State in the corner with no-one wanting to play with us—we have jumped from only 22.8 per cent of the Federal infrastructure pipeline over 10 years up to 24.2 per cent. That means in concrete dollars that we have $3.11 billion in new and additional commitments announced in this budget in that pipeline. In even better news, we have $1.81 billion available in that pipeline for future investment priorities in New South Wales. Those are the billions that the Leader of the Opposition has missed.

We will continue our discussions with the Commonwealth about exactly what they are allocated to. That is why we have gone forward with more than $1.4 billion in that State budget. That happened on Tuesday and already Opposition members are saying, "What have you done for us lately?" It is true, though, that they did help us save the State flag on Wednesday. The week has not been wasted.

The Hon. Natalie Ward: Point of order: I am pleased that the Minister started to answer the question, but he now appears to be entertaining his colleagues. My question was specific. Those communities that want Mamre Road, Elizabeth Drive and Garfield Road East are waiting on this infrastructure and the planning proposals are still on paper. I asked the Minister a specific question: When will shovels be in the ground to start that construction? I did not ask about the development application, the Commonwealth funding or the pipeline. In the 13 seconds that are left the Minister should be directed to answer my specific question. What are the dates? When will they start digging?

The PRESIDENT: I remind all members that debating points are unhelpful when members are taking points of order. Nonetheless, the point of order is quite valid. In the remaining 13 seconds I direct the Minister back to the question at hand.

The Hon. JOHN GRAHAM: I will be clear. In relation to roads like Elizabeth Drive and Garfield Road East, work is underway. This money will allow us to speed that up. I have taken the timelines on notice. But here we are Thursday—more help. [*Time expired.*]

NUCLEAR ENERGY POLICY

The Hon. PETER PRIMROSE (11:40): My question is addressed to the Minister for Energy. What options is the Government considering in relation to nuclear energy in New South Wales and are there any alternatives?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:41): I thank the member for his interest in this important matter. The New South Wales Government has an important plan that it is rolling out right now. It is a plan that puts together New South Wales's natural advantages of solar and wind to deliver a clean energy future for our State. It is a plan that is cheaper than any of the other alternatives that are on the table. It is a plan that generates jobs and safeguards the future prosperity of the State. That plan does not include nuclear energy.

The plan does not include nuclear energy for a number of sensible reasons. I refer those members who have some interest in this matter to the Office of the Chief Scientist and Engineer which has dealt with this issue

in a far more elegant way than I am about to. Nuclear in New South Wales is too expensive. It will take too long and it will not deal with the problem that we have at the moment—the transition of our electricity system over the next 15 years and action on climate change. We do not have time to wait. Given some Opposition members professed love for nuclear energy, what is the Coalition's position on this?

The Hon. Damien Tudehope: Ask Peter Dutton.

The Hon. PENNY SHARPE: The Leader of the Opposition in this Chamber just said, "Ask Peter Dutton." What does that mean for Leader of the Opposition in the Legislative Assembly—the Hon. Damien Tudehope's boss—who said on radio, "We can't wait for nuclear. We should be going ahead with our electricity road map, which will have a heavy reliance on renewables"? That puts him at odds with Peter Dutton. Who is the boss of the Hon. Damien Tudehope? Perhaps that should be our next question. A few weeks ago the New South Wales Leader of The Nationals, Dugald Saunders, and the Hon. Sam Farraway were in France as part of a European study trip, which is akin to atomic Patty and Selma on their great European trip checking out the nuclear reactors. I can see them trying a bit of wine on the way through. I do not know what happened to the poor National Party leader, who has been a supporter of Central-West Orana, but clearly he has been run over by those opposite.

The member for Willoughby, the member for Wahroonga and the Hon. Natasha Maclaren-Jones have all said, "Yes. Nuclear—we're up for it. Nuclear has a future in New South Wales." The former energy Minister—who is still moonlighting as the shadow Minister for Energy—told us that nuclear is wrong and that he got advice when he was in government that we should not be doing it. What is the position of Opposition members? We know the position of the Hon. Wes Fang who said, "Bring it on. I want one in my backyard in Wagga." But nuclear does not have a future in New South Wales. The people of New South Wales need to know the Coalition's position in relation to this and where they want nuclear reactors across the State.

INDEPENDENT CONNECTIVITY PANEL INTERIM REPORT

The Hon. MARK BANASIAK (11:44): My question is directed to the Minister for Water. The *Connectivity Expert Panel Interim Report* made clear that there has been no appropriate modelling and analysis to assess the volumetric or socio-economic impact, or even environmental outcomes, of proposed targets. How can stakeholders give feedback on these targets when they have no clear idea how they will impact them?

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (11:45): I thank the honourable member for his question. It is good to have some engagement in the important work of the Water portfolio, which often happens behind the scenes. The purpose of releasing the interim report of the independent connectivity panel and having a series of online and offline engagement opportunities—the members of the panel have been available in webinars and have gone out to regional New South Wales to talk—is to make sure there is a long consultation and engagement process.

I am on the record in budget estimates, and perhaps also in this House, as accepting criticism in the past that consultation by the department on these important issues has not met the standards I would have liked to have seen in dialogue with the community. After hearing that feedback, which I accept and reflect on, I will try to change the way things are done to make them better. That looks like a lot of talking. This interim report does not have detailed modelling on socio-economic impacts, environmental outcomes or other work. That is all out there, and we are transparent. Even though some of that work still needs to be done, we made the decision to start the conversation now as opposed to the alternative, which is to beaver away internally to try to get that stuff done. But that would not be a public process or a process to which engagement was welcome.

We are doing that engagement now because the modelling has to be done. We want stakeholder feedback on the type of modelling they want—on the impacts they want assessed and on the time frames for those things. The premise of the member's question was how stakeholder feedback could reflect the modelling. I welcome feedback on the kind of modelling that people want to see. What kind of detail can we go into? What are the types of things they will look for as a foundation for change? How quickly or slowly would they like that to work? I will use that information to make further decisions once some of that modelling is done and we have the final report.

I make it clear that this has been done deliberately in response to questions that the Hon. Mark Banasiak may have asked—I cannot recall—based on the consultation done by my department, which is not always good. I copped that and I am now trying to make sure that every opportunity for engagement is leant into. Yes, that is a lot of conversations. But when we are talking about our incredibly important and precious shared water resources we need more dialogue as the basis for change and not less.

The Hon. MARK BANASIAK (11:48): I thank the Minister for her candidness. In her response she speaks about the independence of the expert panel. How does the Minister reconcile those comments with the fact that nine out of the 13 references to non-government documents in the interim report reverse reference back to

Professor Fran Sheldon and the Wentworth Group? Professor Fran Sheldon, who is a member of this panel, has demonstrated a bias against farming and irrigation.

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (11:48): I do not accept the premise of some of that question. The panel is independent of government. That is the whole point. They are not decision-makers. Government is the decision-maker. We will make decisions collectively based on the feedback we receive from the community about our path forward. But the point of the panel being independent is that it is independent of me and of the department. It is providing advice not based on what I want it to say but on its expert evidence. Professor Sheldon and the Wentworth Group are eminent water scientists who bring an incredible amount of expertise.

They do not have an agenda. They are not conflicted. They are not bringing any bias to their work. They are bringing their expertise. They are bringing their years and years of working as academics and professionals in this industry. Does it mean that everything they say should happen will happen? No, it does not mean that. When you put your hand up to be in politics and you accept the rough-and-tumble of decision-making, that is very different to being an academic. I value their views and expertise, but they are not in it. They are not balancing the kinds of things that the Government has to balance.

That does not mean their voice should not be heard. I do not think it is fair to suggest that their voice is compromised. I do not think there is any evidence that they are biased, that they have a bent for or against a particular group. I think there is evidence that they are eminent experts bringing a particular point of view based on years of expertise, that is a point of view that is balanced against other interests on the committee: First Nations interests, hydrological modelling interests and socio-economic impact interests. That is all coming together—independently from me—to provide advice. As I said, that advice will be considered with a fulsome consultation process before any decisions are made.

STATE BUDGET

The Hon. SAM FARRAWAY (11:50): My question is directed to the Leader of the Government. With total Commonwealth payments to New South Wales for own-purpose expenses slashed by $2 billion over the next two years, why has the Minns Labor Government failed to secure a fair share of Commonwealth funding from the Albanese Labor Government in education, infrastructure and biosecurity, and what changes is the Premier making in his approach to relations with the Commonwealth to correct this record of failure?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:51): I thank the honourable member for his question. I refer to the very important question that the Treasurer answered yesterday and his guidance in relation to a Gandhi-like approach to the struggle being long but the struggle that we will ultimately win.

The Hon. Damien Tudehope: His estimate is 60 years.

The Hon. PENNY SHARPE: I was involved in reproductive health control and the decriminalisation of abortion. That took 50 years, so I am willing to wait to make sure that we can do that.

The Hon. Damien Tudehope: The people in the gallery will be interested.

The Hon. PENNY SHARPE: If the Leader of the Opposition would stop interrupting, I might be able to answer the question. The point here is New South Wales will fight for its fair share every day. That is our job and that is what we are doing. This budget had a lot of good news for New South Wales in it. As the energy Minister I particularly highlight the significant investment in our renewable energy future that does not involve nuclear energy but sets us up for the future, as I outlined in my previous answer. Renewable energy is cheaper, will be able to provide development in our regional areas, and importantly, will set up our economy for the future. I also of course welcome the $300 energy rebates for households and small businesses. All of those are important.

The Hon. Bronnie Taylor: Not means tested.

The Hon. PENNY SHARPE: Not means tested—are you against that? That is really interesting, given that the policy taken to the last election by members on the other side of the House was not a means-tested payment for households. You either like them or you do not. You cannot walk both sides of the street.

The Hon. Sam Farraway: Point of order: My question was a serious one. The Minister has completely moved away from the fundamental parts of my question. I would like to draw her back: In particular, what changes is the Premier making to his approach in relation to dialogue with the Commonwealth to correct New South Wales being short-changed?

The Hon. PENNY SHARPE: You don't get to make another debating point.

The PRESIDENT: Is this to the point of order?

The Hon. PENNY SHARPE: No.

The Hon. Damien Tudehope: Point of order—

The PRESIDENT: Is this to the point of order?

The Hon. Damien Tudehope: Mine is an additional point of order.

The PRESIDENT: I will deal with the Hon. Sam Farraway's point of order first. The member is quite right, but was not assisted that the Minister was in fact being directly relevant until the Hon. Bronnie Taylor interjected, which is disorderly, and then the Hon. Penny Sharpe responded, which is disorderly. I apologise to the Hon. Sam Farraway on behalf of the Hon. Bronnie Taylor and the Hon. Penny Sharpe and instruct the Minister to come back to the question. Does the Leader of the Opposition still wish to take a point of order?

The Hon. Damien Tudehope: You have already dealt with my point of order.

The PRESIDENT: The Leader of the Government has the call.

The Hon. PENNY SHARPE: I am glad the students have gone. The political exchange people are still here. Hello. I hope their parliaments are as interesting as ours. I welcome the President's ruling. The point here is the same one that we have been making for a long time now, which is that New South Wales deserves its fair share of GST revenue and everyone in this Government is focused on ensuring that is delivered. It is taking longer than we would like, but we are clawing back money that New South Wales deserves to build the things that we need, to fix our hospitals, schools, infrastructure and roads that were neglected for 12 long years by those opposite.

We also welcome the focus from the Federal Government in relation to the future economy in Australia, about building things here, about making sure the transition works and setting us up for a future that also includes the critical minerals that we need. The point here is that the Premier's approach is the one that every responsible Premier takes. That is to always keep the door open for negotiation and to always press the case as strongly as we can, and in whatever forums we can, and we are working through it.

The Hon. Damien Tudehope: And get smashed in the process.

The Hon. PENNY SHARPE: We are doing much better than those opposite were.

The Hon. SAM FARRAWAY (11:55): I ask a supplementary question. Will the Minister elucidate that part of her answer in which she said the Premier is doing what sensible Premiers, I think she said, should be doing, and that is having dialogue with the Commonwealth to pursue New South Wales' interests? Has the Premier spoken to the Prime Minister to get our fair share of funding back?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:55): I would have to take the detail of that on notice. Funnily enough, I do not know every phone call that the Premier makes. I know that he makes a lot of phone calls and I know that he is very busy. Again, the point that I make here is that the Premier is doing his job and doing it very effectively. We are working through those issues, whether it is housing, infrastructure, schools, the NDIS or education. We are working through all of those important agreements. We are also working in partnership with the Federal Government.

Again, I shout out to my colleague the Hon. Chris Bowen, who has worked very closely with New South Wales. As a result of that collaboration we are delivering another 2.2 gigawatts of renewable energy into New South Wales. We have additional funding that will support the faster rollout of the transition. We have important funding going into our manufacturers so that we can build solar panels and batteries here, and we can support sovereign security in the rollout of renewables. All of those things are incredibly important and are about partnership and working together. Do we sometimes fight? Yes, we do. And that is what one would expect when we stand up for New South Wales. We are determined in the short, medium and long term to ensure that New South Wales gets its fair share. Our Premier is leading the charge, as are all of the Ministers in their portfolios as we do this. The cheapest thing to do is just throw rocks, but we need to fix the problem, and that is what we are doing.

OVERHEIGHT TRUCKS

The Hon. CAMERON MURPHY (11:58): My question is addressed to the Minister for Roads. Last year overheight trucks were causing our city to come to a grinding halt. Will the Minister provide an update to the House on the work of the overheight truck taskforce?

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (11:58): I am delighted to answer the question because we know overheight truck incidents are the bane of motorists. Too many of them have missed appointments, missed flights and are sometimes waiting in traffic for an accident to be cleared. On 23 June 2023 I announced the establishment of the overheight truck taskforce. It was led by Transport for NSW, the NSW Police Force, the National Heavy Vehicle Regulator, Road Freight NSW and the Transport Workers' Union. We also took control of the first referrals of cases from the National Heavy Vehicle Regulator that have allowed us to get overheight trucks off the road for up to six months by registration suspensions.

I report the results of the taskforce to the House. Before I do, I recognise the work of the former Minister, who put in place tough penalties for drivers. We backed those penalties, but we have also cracked down on taking trucks directly off the roads if they will hit these tunnels. Here are the results after six weeks, tunnel by tunnel: the Sydney Harbour Tunnel had an 80 per cent reduction in closure minutes in the six months to the end of 2023; the Domain Tunnel had a 50 per cent reduction; the Lane Cove Tunnel had a 71 per cent reduction; and the airport surrounds, including the airport tunnel, the Cooks River Tunnel, General Holmes Drive and the M5 East, had a 70 per cent reduction in the time lost. Overall, we ended 2023 at a seven-year low for overheight incidents. I am pleased to report that, so far in 2024, incidents are down by half again compared with last year. Those are good results. We will keep on top of it. Who better to quote than Australia's king of trucking music, Slim Dusty?

The Hon. Sarah Mitchell: Sing it!

The Hon. JOHN GRAHAM: I am certainly not going to sing it. Slim Dusty sang:

Gotta keep movin' an' I'm feelin' good,
Got that diesel roarin' underneath the hood,
And the road is open an' I'm rollin' free, you see,
That I feel so good as long as I'm movin'
Yes I feel so good as long as I'm movin'.

I thank the taskforce and I thank Duncan Gay, who gave great advice and support throughout the process. I assure the House that the overheight truck taskforce is keeping the roads open and has got the tunnels movin'.

I table the report of Transport for NSW entitled *Overheight Truck Taskforce Report*, dated May 2024.

Document tabled.

The Hon. PENNY SHARPE: The time for questions has expired. If members have further questions I suggest they place them on notice. I will try not to get censured when we sit again.

M7-M12 INTERCHANGE

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (12:01): Yesterday in question time a timeline was requested for the Mamre Road upgrade stages one and two. I update the House that the Mamre Road upgrade between the M4 and Erskine Park Road will begin in 2024. We are expecting construction to commence for Elizabeth Drive in late 2025.

Questions Without Notice: Take Note

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. SARAH MITCHELL: I move:

That the House take note of answers to questions.

GOVERNMENT PROCUREMENT

The Hon. SARAH MITCHELL (12:02): I was not going to take note of answers until I heard the Dixer asked by the Hon. Dr Sarah Kaine to the Hon. Courtney Houssos. I listened with interest because in the answer the Minister referenced visiting Gunnedah, my home town. I was disappointed that I did not get an invite. I would have been happy to catch up. Maybe next time she can let me know when she is coming and we can have a coffee. I was interested to hear the Minister talk about Many Fabrication and Engineering. When somebody lives in a small town, they know people well. I know Glenn well and I know Katie, his wife. I congratulate Katie on last week graduating with a master's degree at the University of New England. Our children go to school together. That is what happens in a small town.

I was particularly interested to hear the Minister say that, effectively, this is a great business but it does not get the opportunity to engage in government procurement contracts and that it is cut out from those contracts. I thought that was a bit strange because Many Fabrication and Engineering is a very good locally owned and run 100 per cent Aboriginal-owned business. I remembered that I had seen in the local media Many Fabrication and

Engineering talking about government procurement, so I googled it. I encourage the Minister's office, when it writes its next Dixer, to google the matter it is asking about. I saw a Facebook post by Many Fabrication and Engineering from back in April 2022, when we were in government, that said:

> Our team had the pleasure of attending the NSW Procurement and NSW Treasury Meet the Buyer events through the week … joined the panel in Tamworth to discuss important matters … on procurement … with major buyers.
>
> Thanks to NSW Procurement and NSW Treasury, the team at Regional Dept of NSW and all involved with the event.

In April 2022 it sounded like that business was a part of it. I also found an article from February 2023 when my colleague the Hon. Damien Tudehope was the Minister for Finance. The article states:

> Aboriginal businesses in NSW received $480 million of direct government business in the last financial year.

That was under the Liberals and The Nationals. Who is one of the quoted business? It continues:

> One business that says it has benefitted from the policy is Gunnedah-based Many Fabrication and Engineering. This company is 100 per cent Indigenous-owned and provides services …
>
> Lindsay Sheedy from Many Fabrication and Engineering says the procurement policy has dramatically increased tender opportunities.

When the Minister visited I do not know whether Many Fabrication and Engineering said to her, "We've got concerns about government procurement." But, frankly, if it did, it is because of what this lot opposite are doing. It is clear that, under our Government, Many Fabrication and Engineering was engaged with Treasury and Regional NSW. It said that it had dramatically increased its tender opportunities thanks to the Liberals and The Nationals. I encourage members opposite to do their homework and, when they ask a Dixer on Gunnedah, to not get the facts wrong when I am in the Chamber.

GOVERNMENT PROCUREMENT

The Hon. BRONNIE TAYLOR (12:05): I was not going to contribute to the take-note debate but I have been inspired by the Hon. Sarah Mitchell's contribution. My husband, who I speak about a lot in this place, is a very wise man and keeps me very grounded. He says all the time, "In Parliament, people have to stop thinking that they're cleverer than everyone else." It is a real shame and a blight on the House when somebody wants to try to be really smart and funny or to have a crack at something when writing Dixers but ends up giving the wrong information to the House and dragging someone's name into the matter by trying to insinuate that something is not available when it is—all because they think they are being really clever and smarter than everyone else.

I do not pretend to be perfect; I am not. Sometimes I get it wrong. But I always try to remind myself that I am serving at the privilege of the people of New South Wales. I am paid by the taxpayer. So when I come to Parliament, I need to do the required work and tell the truth. I should not play politics or be funny and get personal, as tempting as it is. As I said, I am not perfect. I get called to order quite a bit and sometimes I say that sentence too much. But some members talk to each other and watch what goes on in the Chamber and think, "We're going to get them on this." For goodness sake, members should check their facts, be responsible and, ultimately, tell the truth. When we think we are smarter than everyone else and we say something that is not quite true, we always get found out. When that happens, it is a shame for them, for their career and for everyone else. Happy Thursday, everyone. Let us try to do better.

INDEPENDENT CONNECTIVITY PANEL INTERIM REPORT

The Hon. MARK BANASIAK (12:07): I take note of the answers given to my questions. I thank the Minister for giving detailed answers and being candid when talking about the consultation process being lengthy, as it should be. I have received feedback from stakeholders about the webinars and in-person consultation sessions that the Minister spoke about. The feedback about those sessions is that they look like, "Here are some arbitrary targets that we want to reach in terms of connectivity and downstream flows. We have no data on what that looks like in terms of volumes. We have no data in terms of how that will maybe affect you from a socio-economic point of view or even the environmental outcomes that will be delivered. What do you think?" It is hard to give an informed opinion that will then inform a final report when there is no data. That is the constructive feedback that I pass on.

In terms of the second part of the question relating to my concerns about independence and whether the Wentworth Group is biased or not, I draw the Minister's attention to the half a dozen water inquiries and submissions that we received in the last Parliament in committees that I ran, as well as the Select Committee on Floodplain Harvesting. There is a potential problem when one member of the panel is continually being referenced and footnoted for their work. They may be eminent scientists on water, but I am sure other eminent scientists could also be referenced and used. It creates a perception of bias.

The interim report talks about how to manage conflicts of interest but it contains no details of how that is being managed or disclosed. I would hope that that is detailed in the final report. The feedback that I am getting

from stakeholders is that it looks like self-promotion and self-aggrandisation. I look forward to further consultation. The Minister sat on many water inquiries and in many budget estimates hearings on water with me. We are aligned in saying that the department, under the previous Government, could have done things better. I am pleased to hear that the Minister is taking steps, and I look forward to seeing the final report and outcome of this connectivity reform.

GOVERNMENT PROCUREMENT

RIVERWOOD HOUSING ESTATE

The Hon. Dr SARAH KAINE (12:11): I take note of a number of answers given to questions and begin by reflecting on the question and answer we heard today relating to procurement. As the Chair, I am well aware of the ongoing inquiry, and I am aware that we should not be canvassing what we are covering in the inquiry prior to our report. I note that a number of matters regarding procurement go beyond the inquiry and, in fact, are on the public record. I reflect on the contribution by the Hon. Bronnie Taylor. She suggested that members should behave in a different way. Her contribution also implied that there was some dishonesty. I ask the Hon. Bronnie Taylor to consider that our Ministers are genuinely engaging on difficult and complex policy issues, and they are genuinely trying to resolve them. Likewise, it would be appropriate and decent for Opposition members to acknowledge that Ministers are trying to develop reasonable policies.

The Minister in question has been travelling around the State, holding round tables with a great number of stakeholders, who have an interest in government procurement and local manufacturing, to make sure that she takes their views into consideration. While the Hon. Bronnie Taylor wants to admonish Government members for our behaviour, I suggest that Opposition members recognise and acknowledge that Ministers are making genuine attempts to engage with stakeholders as they grapple with serious policy issues that deeply affect the economy and wellbeing of this State and I also suggest that Opposition members contribute constructively to that.

I quickly make reference to the discussion about the Riverwood housing estate development and congratulate the Minister for Housing. I have been out there and spoken to residents, who welcome the development. I also note the double pike—or was it a triple pike?—of the member for Oatley in his position on that housing development. As someone with an ongoing interest in Riverwood and Oatley, I look forward to us pressing ahead with that development and further developments in the Riverwood area.

GOVERNMENT PROCUREMENT

STATE BUDGET

The Hon. DAMIEN TUDEHOPE (12:14): I make a quick reflection on the contribution from the Hon. Dr Sarah Kaine. I accept the genuineness with which it was made. I think the Hon. Bronnie Taylor was making the point that, in wanting to make the point about procurement policy, the Minister recited an example which was not true. In fact, there was evidence that it was not true. The Minister made a suggestion that a company wanted access to government procurement and that it was being denied access. That was factually not true. I acknowledge the contribution and I acknowledge the admonition contained in it.

However, there is a much more important issue to deal with. We are all headed for new State taxes. In fact, the Treasurer told us so today. Yesterday we asked him a supplementary question for a written response:

> My supplementary question for written answer is directed to the Treasurer. Will the Treasurer confirm his pre-election promise of no new State taxes in this term of Government?

The Treasurer gave us this answer:

> I refer to my previous answer given during Question Time on 15 May 2024.

That is his answer to a specific question about no new taxes. Only one inference can be drawn from that response—that is, the Treasurer will not rule out new taxes and they are heading our way, in direct contravention of the pledge that he made to the people of New South Wales at the time that Labor was running for government. The Treasurer is now in the process of drawing up a document which contravenes and trashes the promise he gave.

There is a second component to the Treasurer's answers given during question time today. The Hon. Daniel Mookhey has said that he will not accept the Commonwealth's figures relating to its budget contributions to projects and agreements in New South Wales. In fact, he told us that this Government will prepare its budget on the basis of Treasury forecasts. How well did that go? What did the Treasurer get wrong about the GST forecasts in the last budget? He told us it was about $11 billion. [*Time expired.*]

STATE BUDGET

The Hon. JOHN RUDDICK (12:17): I take note of what the Treasurer said today about the Libertarian Party's budget proposals. The Treasurer has a reputation for being the smartest guy in the Government, but I put on record that he is no Michael Costa; he is no Paul Keating. He has now been the Treasurer for a year. We have not seen any tough economic reforms. Literally hundreds of government agencies across the State cover us in an unaffordable patchwork of bureaucracy. We understand that the other parties in this Parliament may not share our radical small-government philosophy, but even from a "sensible centrist" position, the current runaway bureaucracy is out of control and needs to be scaled back.

To kick off the conversation, some agencies to be abolished include the Public Service Commission, Destination NSW, Multicultural NSW, Create NSW, the Environmental Trust and many more. There will be pushback. If we rely on advice from the bureaucracy about the size of the bureaucracy, they will always insist they need more money. If their projects are working, then they want more money. If their projects are not working, then they need more money. The cycle continues. But we call on the Government and the Opposition to go beyond simply representing the wishes of the bureaucracy. We need brave politicians from both sides to stand up to the thousands of quick-talking boffins and make the needed cuts to put our State finances back on track. This plea goes out to members on both sides of this Chamber.

It is easy for oppositions to condemn the mistakes of the Government, but it is harder for them to follow through with brave and necessary reforms when in government. If the Labor Party has the courage to make much-needed cuts to spending and the bureaucracy, we call on the Opposition to avoid the temptation of scoring political points and instead support their reforms. When the Liberals return to the Government benches, we call on them to remember that politics is about more than a popularity contest. It is also about showing leadership and making the necessary hard decisions, regardless of what the pollsters say.

NUCLEAR ENERGY POLICY

The Hon. STEPHEN LAWRENCE (12:19): I contribute to the take-note debate to reflect on the answers given by the Leader of the Government to the question concerning nuclear power. All members heard in the answer that the member for Dubbo in the other place, Dugald Saunders, who is my local member, has recently been to Europe to study nuclear power. I was not initially aware that he had left. I do not suggest that it was a secret trip. I follow his Facebook page and from that it seemed that he was out and about in the community attending local events, but I heard afterwards that he was in Europe studying nuclear power. This is an issue that has attracted a lot of attention in the Dubbo community.

I have spoken to a lot of people about it and they are understandably concerned. Given the status and the role of the member for Dubbo as the Leader of The Nationals and the person who would be the Deputy Premier in the next Liberal-Nationals government, this could mean a nuclear power plant or reactor—or something of that type—in Dubbo. There is concern afoot in the community. People did not originally know about the trip but now we know that Mr Saunders is apparently exploring the issue of nuclear power and that he is interested in it. The member for Dubbo must rule out his support for a nuclear power plant, or something of that nature, in Dubbo. It would not be welcome for various different reasons. It is uneconomical and has been proven internationally to be dangerous, so it is important for the member for Dubbo to rule out his support for nuclear.

NUCLEAR ENERGY POLICY

The Hon. SAM FARRAWAY (12:21): I reflect on that very poor contribution from the Hon. Stephen Lawrence, who is meant to hold a law degree and be academically smart and articulate. That was a woeful contribution. The ignorance! No wonder—

The Hon. Dr Sarah Kaine: Point of order: I understand that the take-note debate is meant to be about the answers given by Ministers.

The Hon. Sam Farraway: Be very careful, because you reflected on other members.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): Order! I will hear the point of order.

The Hon. Dr Sarah Kaine: I am not taking a point of order about reflecting on other members. I am taking a point of order about the content of take-note debates.

The Hon. SAM FARRAWAY: To the point of order: The precedent was set by the Hon. Dr Sarah Kaine, who made reflections on the contributions of previous speakers in her contribution to the take-note debate. You need to keep pace, Sarah. If you're going to take a point of order, you need to keep pace with what your argument is going to be.

The Hon. Rose Jackson: Point of order: Comments should be made through the Chair. Members should be addressed by their proper titles and not have their names hurled at them across the Chamber.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): I uphold the Minister's point of order and remind members of its importance. I also point out that interjections are disorderly at all times.

The Hon. SAM FARRAWAY: The point about ignorance around nuclear is that the world has embraced nuclear. Whether this country does or not is an issue for the Federal Government. The reality is that this country is moving towards some form of nuclear energy. The former Federal Coalition Government orchestrated the AUKUS partnership, which the now Labor Prime Minister and Government signed off on and support. Australia will have nuclear submarines floating in Australian waters. A small modular reactor will be in those submarines. Nuclear submarines will need to have one of the most rigid frameworks around them, and this country will have that.

The moratorium on nuclear will have to be adjusted through legislation and the waste will have to go somewhere. The conversation is coming. I am a supporter of an energy mix. I am not completely anti-renewables, but I want an energy mix in this country that works. The reality is that in my lifetime Australia will have to either keep coal or go nuclear because, if the wind is not blowing and the sun is not shining, we will have an issue in this country. As for the argument about price, the Minister and others have not factored in the 27,000 kilometres of transmission lines that will be needed for our reckless race to renewables. When that is factored in— [*Time expired.*]

NUCLEAR ENERGY POLICY

The Hon. MARK BUTTIGIEG (12:24): I did not intend to contribute to the take-note debate, but given the discussions around nuclear I thought it was important for members to understand that it is gratifying to see Opposition members own up to and double down on their failures. At least they are being honest. Under the previous Government there was a litany of privatisation and blind faith in the market. During question time Minister Houssos pointed out the abject failure of its infrastructure projects sourced from overseas—dodgy trains and asbestos-riddled ferries—and the selling-off of assets to import all those duds.

The Leader of the Opposition interjected during question time and said that the former Government built all these great things, but he ignored the substandard products and rip-offs that the people of New South Wales had to pay for. The Opposition is now doubling down on a failed technology, which is a bygone-era solution to the world's energy problems. The contrast could not be more stark between the Opposition and the progressive Labor Party, which is fostering renewables as the dynamic engine of the economy that will fix the climate, generate new jobs and set New South Wales on a growth trajectory—which it would have had 15 years ago had The Greens not ruined the proposal of the then Federal Government under Kevin Rudd.

I congratulate Opposition members on sticking to their unfounded and misconceived policies because at least they are being intellectually honest. It is good that we have these debates in the House so that the New South Wales public can understand where each side of politics stands on the nuclear issue and then the beautiful process of democracy can broker who they choose through the ballot box. The Opposition is doubling down on free market ideology, privatisation, selling assets and giving all the projects to its big business mates, giving New South Wales dud products, and fostering a solution to the State's energy problems with a dirty, dangerous and outdated technology, which is uneconomical and will not work to create solutions.

On the other hand, the Labor Party is stimulating domestic manufacturing, fostering government intervention wherever possible and wherever necessary, and unequivocally anti-nuclear and pro-renewables. The choice is clear. I ask the public to look at both sides when they are deciding who to vote for in the lead-up to the next election, because it will be a very interesting campaign.

NUCLEAR ENERGY POLICY

The Hon. WES FANG (12:27): I take note of answers given in question time. I note the answers given by the Leader of the Government and the contributions of members opposite about nuclear. I will take a little bit of heat out of this debate, which I say as a bit of a pun because nuclear creates heat. The Hon. Mark Buttigieg in particular spoke about how you abandon technology if it is old and outdated. When humans first walked, we would watch birds fly and wondered if we could ever do that. So we tried to make wings to fly like birds, but that did not work. We then tried to make planes to fly and learnt how to use gliders, but it took years and years and many attempts before the Wright brothers were able to fly. They flew 30 or 40 metres. Then we learned how to use powered flight to improve range, efficiency and speed. In less than seven decades, we flew to the moon.

That is the advancement in technology. The Hon. Mark Buttigieg was talking about nuclear being as many decades old as the Wright brothers learning to fly. What we are seeing now in nuclear is something completely

different. We are seeing, in effect, small modular reactors that are fail safe. They are like the spaceship that went to the moon. That is the difference. The Hon. Stephen Lawrence criticised the Leader of The Nationals for his Commonwealth Parliamentary Association trip when he went to Villers-Bretonneux to represent his community, met with parliamentarians in London, looked at modular housing and also sought to learn a little more about nuclear. Is he criticising that member for trying to better understand and learn about the way that energy is generated in this world? That criticism is unfair and reflects the attitude of those opposite. [*Time expired*.]

PUBLIC SCHOOLS FUNDING

NUCLEAR ENERGY POLICY

The Hon. JACQUI MUNRO (12:30): I take note of the answer given by the Minister for Finance, representing the Minister for Education and Early Learning. It is interesting to hear Ministers saying that they are making such a big impact on students and schools, and criticising the Opposition for its work in government. But the reality is that this Government has ripped $148 million out of school budgets on the eve of school holidays. That is what the people of New South Wales are facing. In my hometown in the Sutherland shire, Sutherland Public School was promised a school hall big enough to fit the entire student population by the Minns Labor Government and the member for Heathcote.

I went to that school. It was fabulous. I enjoyed it immensely. We had reasonably good facilities back then. But it is now lacking the school hall that it was promised. It is not being given the opportunity to have that facility. It has been ripped away. We do not know when that promise will be honoured. I also make a point in regard to the contribution of the Leader of the Government. The reason that the net zero targets were strengthened in New South Wales is the Opposition. This Government's commitment to net zero is tenuous at best and relies on pressure from the Opposition.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): Order! Pursuant to standing orders debate is interrupted to allow the Minister to respond.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (12:32): I will comment on a few of the issues that were raised in question time. I do not profess to be an expert on the travels of the Minister for Finance, my dear friend the Hon. Courtney Houssos, and those issues that have been raised, but this is what I know. Recently when I was in Moree having a dialogue with the people in that community about the issues they were experiencing in my portfolio, the issue of the panels that were run under the previous Government—where Treasury went to communities to discuss opportunities to engage with the New South Wales Government and there was no follow-up—was raised directly with me. That was in Moree.

The Hon. Wes Fang: Mr Assistant President, the Chamber does not have a quorum. [*Quorum called for*.]

[*The bells having been rung and a quorum having formed, business resumed*.]

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

Motion agreed to.

Written Answers to Supplementary Questions

STATE TAXES

In reply to **the Hon. DAMIEN TUDEHOPE** (15 May 2024).

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

I refer to my previous answer given during question time on 15 May 2024.

GST DISTRIBUTION

In reply to **the Hon. MARK LATHAM** (15 May 2024).

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

The New South Wales Government has publicly stated that we are willing to be the last State standing if it means New South Wales gets its fair share from the Commonwealth. In practice this means that the Government will take its time finalising key agreements with the Commonwealth, particularly those agreements that fund our public hospitals or that fund our public schools.

The Government is consistently applying this approach in negotiations over Commonwealth-New South Wales agreements on health, education and the NDIS. Media reports show that while the Commonwealth is engaging with all States and Territories - Western Australia (31 January 2024) and the Northern Territory (13 March 2024) have reached agreement on the Schooling Resource Standard - NSW remains in robust conversation.

The recent announcement of $1.9 billion in Commonwealth infrastructure funding for Western Sydney provides one example of what the steadfast advocacy of members within this Government can achieve.

Another example is the additional funding announced by the 2024-25 Federal budget for a new Priority Works Stream under the existing Housing Support Program. States are required to spend the funds on enabling housing infrastructure, and New South Wales' share is estimated to be $304 million.

I look forward to updating the member on how the New South Wales Government will deliver better essential services after we reach further agreement with the Commonwealth.

The PRESIDENT: I shall now leave the chair. The House will resume at 2.00 p.m.

Committees

SELECT COMMITTEE ON BIRTH TRAUMA

Membership

The DEPUTY PRESIDENT (Ms Abigail Boyd): I inform the House that on 16 May 2024 the Clerk received advice from the Leader of the Government advising of the following change to the membership of the committee:

The Hon. Stephen Lawrence in place of the Hon. Greg Donnelly.

Bills

LOCAL GOVERNMENT AMENDMENT (EMPLOYMENT ARRANGEMENTS) BILL 2024

Second Reading Speech

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (14:02): On behalf of the Hon. Daniel Mookhey: I move:

That this bill be now read a second time.

Local government plays a crucial role in communities across New South Wales. This level of government is concerned with matters close to our homes, such as regulating development and other activities, and delivering infrastructure and community services such as local roads and libraries. It is vital that local government serves the needs of communities and builds trust across communities. Rigorous, transparent and fair employment practices in local government at all levels, especially for senior staff who are key decision-makers, are vital to serving the needs of the communities and building trust across communities. Regrettably, there have been instances where local government has fallen short of community expectations and that has reduced levels of trust.

On 22 March 2021 the Independent Commission Against Corruption published its report on an investigation into the conduct of councillors of the former Canterbury City Council. ICAC identified a potential corruption risk with "no reason" termination clauses in standard contracts under the Local Government Act 1993. Currently, standard contracts are approved by the departmental chief executive of the Office of Local Government [OLG]. Following the release of the ICAC report, the parties to the Local Government (State) Award advocated for amendments to the Act, in particular, removing the ability for councils to determine positions in their organisation structure to be "senior staff" positions. Currently under the Act, the holders of positions determined by councils to be "senior staff" positions must be employed using standard contracts of between one to five years duration. Under the bill, only the general manager would be employed under a standard contract, and all other employees, including senior staff, would be employed under the award.

Broadly speaking, the Local Government Amendment (Employment Arrangements) Bill 2024 seeks to reduce potential corruption risks arising from the insecurity of employment of senior staff previously identified by the ICAC that leaves them exposed to improper influence and to address concerns raised by all parties—employer and employee—to the award, who have requested amendments to the Local Government Act to address the insecurity of employment of senior council executives and allow them access to the jurisdiction of the Industrial Relations Commission [IRC]. Specifically, the bill amends the Act to remove the option for governing bodies of councils to determine "senior staff" positions within the organisational structure of a council and will restrict the requirement for holders of "senior staff" positions to be employed under a fixed employment contract based on a standard contract approved by the departmental chief executive of the OLG to general managers of councils and to executive officers of joint organisations of councils.

The bill will also allow all council staff, other than general managers of councils and executive officers of joint organisations, to seek redress at the IRC for "industrial matters", which is defined in section 6 of the Industrial Relations Act 1996. The bill will extend employment protections for staff affected by council amalgamations to all council staff other than general managers of councils and executive officers of joint organisations and provide senior staff currently employed under a standard contract with the option to remain on the contract until it expires.

Staff who choose this option will have access to the jurisdiction of the IRC, including access to unfair dismissal and dispute provisions. The bill will provide that no award or enterprise agreement made by the IRC will apply to staff who remain on the standard contract. However, the standard contract will be taken to be an industrial instrument for the purposes of unfair dismissal under the Industrial Relations Act 1996.

The bill will provide that senior staff currently employed under a standard contract will have the option to make a request to their employer to be transferred to the award or enterprise agreement before their current contract expires. Where the employer receives such a request, they must not unreasonably withhold their agreement to the transfer. The bill will also allow a decision by the employer who refuses the employee being transferred to the award or enterprise agreement to be reviewed by the IRC, allow the IRC to order the council to transition the staff member's employment to employment under an award or enterprise agreement within the time specified in the order, and allow councils to offer employment to senior staff members under the award or enterprise agreement when their current contract expires without advertising the role.

The bill offers the following benefits. It will provide all council employees, other than the general manager, the security of being covered by the award or another industrial instrument approved by the IRC, and access to the jurisdiction of the IRC in the regulation of their employment. It will remove the insecurity in the employment of senior executives that makes them susceptible to improper pressure from councillors and others by providing them access to the unfair dismissal jurisdiction of the IRC. It will ensure that all council employees, other than the general manager, have the same minimum terms and conditions of employment, and it will assist with attracting and retaining executive level employees, other than the general manager, by giving councils flexibility to offer terms and conditions of employment that are not available under the approved senior staff contract. I commend the bill to the House.

Second Reading Debate

The Hon. DAMIEN TUDEHOPE (14:07): The Opposition supports the Local Government Amendment (Employment Arrangements) Bill 2024. When New South Wales referred many of its powers to legislate on industrial relations to the Commonwealth in 2009, one matter that was excluded from the referral was "matters relating to local government sector employees". These matters remain governed under New South Wales law through the provisions of the Local Government Act 1993. Section 340 of that Act currently excludes the employment of both general managers and other senior staff from being "an industrial matter for the purposes of the Industrial Relations Act 1996".

Rather than being employed under an award, general managers and other senior staff are employed under a standard contract approved by the Office of Local Government. This includes a provision for termination with four weeks notice, at any time during the contract period with no reason required to be given for the termination. Section 332 of the Act currently allows local councils—subject to certain requirements related to the responsibilities, skills and accountabilities of the position and the proposed remuneration package—to designate certain positions as senior staff positions.

In 2021, in its report on Operation Dasha, the Independent Commission Against Corruption recommended a review of the "no reason" termination provision in the standard contract for general managers and other senior staff. In response to that recommendation, the parties to the Local Government (State) Award—namely Local Government NSW and the three local government unions, the United Services Union, the Local Government Engineers' Association, and the Development and Environmental Professionals' Association—requested that the Government amend the Act to remove the ability for councils to determine positions in their organisation structure to be "senior staff positions".

In September 2022, to seek the views of the broader local government sector, including individual councils, the Office of Local Government released a discussion paper proposing amending the Act to make senior staff subject to awards and Industrial Relations Commission jurisdiction while leaving the provisions in relation to the general manager provisions untouched. The bill would remove all references to "senior staff", effectively incorporating them within the provisions of the Act dealing with employees in general, and leaving only the provisions relating to the employment of a "general manager" still excluded from being "an industrial matter for the purposes of the Industrial Relations Act 1996".

ICAC, while noting arguments for retaining "no reason" termination for general managers given their pivotal role and the importance of a good working relationship between each council and its general manager, also recommended consideration be given to introducing some procedural restraints on how "no reason" terminations of general managers can be carried out. Those options included: firstly, requiring either a unanimous vote, a two-thirds majority vote or an absolute majority vote; secondly, giving the Office of Local Government a veto power; thirdly, a mandatory cooling-off period; and, fourthly, mandatory consideration of mediation. Further work on the issue relating to general managers remains to be undertaken by the Minister for Local Government.

The bill completes a process undertaken by the previous Liberal-Nationals Government in responding to recommendations in ICAC's Operation Dasha report and seeking the views of all local government stakeholders on the issue. As such, those recommendations have been adopted and are now to be given the force of law.

The Hon. MARK BUTTIGIEG (14:12): I briefly contribute to debate on the important Local Government Amendment (Employment Arrangements) Bill 2024, which I am pleased to hear the Opposition supports. That is a twofold achievement. It is very important that senior council executives feel that they can act independently without fear of losing their jobs, quite frankly. This legislation increases scope for those senior executives—barring the general manager, of course—to have the protection of industrial instruments. In terms of wage and condition justice, they will have access to the Industrial Relations Commission, like all other employees do or should have.

As was pointed out in debate on the bill, ICAC did an investigation and identified the problem that senior executives were subject to insecure employment via the instrument of fixed-term contracts. That they could be coerced into job insecurity, even in an indirect or subtle way, is simply unacceptable. The bill provides those senior executives with security of tenure and allows them to discharge their duties under the council and in the interests of ratepayers. It also gives them access to an industrial regime that will give them recourse if they so desire. It is a good piece of legislation. As was pointed out, the relevant employers and unions agree—Professionals Australia and the United Services Union. I commend the bill to the House. It is a very good bill. It is uncontroversial but nevertheless very important for industrial relations.

Dr AMANDA COHN (14:14): The Greens support the Local Government Amendment (Employment Arrangements) Bill 2024, which is a small but important additional protection against corruption that improves certainty for the local government workforce. The employment of senior staff in local government on non-award contracts and associated insecurity was identified as a corruption risk by ICAC's Operation Dasha in 2021. ICAC recommended a review of "no reason" terminations in the standard contract for general managers and other senior staff members. The bill seeks to establish more secure and accountable employment conditions for senior local government employees, limiting their vulnerability to ulterior pressures and promoting integrity within the sector.

Public trust in local government is critical. It is the closest level of government to the communities it represents. The bill aims to reduce the corruption risks arising from the insecurity of employment of senior staff by restricting fixed-term contracts, removing councils' ability to designate senior staff positions, and expanding access to the Industrial Relations Commission for employees. It limits the use of fixed-term contracts to only general managers of councils and executive officers of joint organisations of councils based on a standard contract approved by the departmental chief executive of the Office of Local Government. Parties to the Local Government (State) Award—Local Government NSW, the United Services Union, the Local Government Engineers' Association, and the Development and Environmental Professionals' Association—requested that the Government amend the Act in this way.

For senior staff currently under standard contracts, the bill offers a transition option for request to move to an award or enterprise agreement before their current contract expires. The employer must consider these requests, adding a layer of protection against unfair dismissal. In consultation, it was noted that some unions requested immediate transfer, whereas others were satisfied with the provision under the instrument as drafted. I am told by the Minister for Industrial Relations that consensus on the proposed pathway was reached during consultation. The bill is a necessary step towards strengthening governance and reducing corruption risk in local government. It provides for a fairer and more accountable system for managing the employment of senior local government staff and will provide certainty for employees.

The bill has the support of stakeholders who sought these additional protections, particularly against unfair dismissal and in expanding access to the Industrial Relations Commission for employees. It appropriately strikes the balance of acknowledging the need to maintain operational flexibility for councils. Of course, there is further work to do to bolster the workforce in local government. It is concerning to hear that local communities are losing skilled staff to the private sector and to State government departments because pay and conditions are worse in local government.

The bill before us does not address those broader issues. Similarly, there is much work to do to restore public confidence in the local government sector. We need a robust code of conduct framework that meaningfully holds councillors to account for serious misconduct that cannot be weaponised for vexatious and political ends. The public needs to be able to genuinely engage with the processes of council. Despite being recommended in the *Model Code of Meeting Practice for Local Councils in NSW*, too many councils do not have public forums where community members can participate. The Greens will be supporting the bill.

The Hon. BOB NANVA (14:17): I am pleased to support the Local Government Amendment (Employment Arrangements) Bill 2024. I am particularly proud of the Government's steps to help remove at least one aspect of insecure work from the local government sector. The Minister and Parliamentary Secretary stepped through how the bill will provide that all local government employees have the same minimum terms and conditions by ensuring they are covered by the relevant State award or some other industrial instrument, and they will also have recourse to the NSW Industrial Relations Commission to defend their pay and conditions. In a prior life as a former union official, for too long I saw essential workers exposed to pressure and disrespect or their jobs systematically debased, diminished or devalued because of the tenuous nature of their employment.

Insecure work arrangements, whatever their form—whether it is fixed-term contracts or casual employment—weaken the freedom that workers are entitled to receive from a fair and secure livelihood. I heard that time and time again in workplaces, in meal rooms and on picket lines. The stories of workers often best illustrate why our policy responses and reforms are necessary, including those in the bill. By way of one example, a director of engineering at a small regional council was terminated upon returning from annual leave, after almost 10 years service within the organisation. The employee returned from leave to a meeting request from the general manager, scheduled first thing that day. I have seen examples like this far too often.

At the meeting the director was told their employment would be terminated. They were given no reason. The general manager provided the director with a prepaid letter of termination setting out their entitlements, indicating that the payment of those entitlements would be made into their bank account the next day. They were handed a box and told they had an hour to clear out their desk. This was how a dedicated employee with 10 years of unblemished service in the organisation was treated. The director asked the reason for the sudden dismissal and how they could work through any issues or concerns with the general manager. All that was indicated was that there was nothing to work through. The council did not need to provide reasons for the termination under the provisions of the director's contract. The director was then advised he had no access to any dispute resolution processes without the consent of the general manager and, unsurprisingly, on this occasion the general manager refused.

I have been informed that there are more than 20 members of the Local Government Engineers' Association who have had employment terminated under the "no reason" termination provisions of the statutory contract for senior staff employees in local government. As members might imagine, that is a pretty devastating process for a senior staff employee. They are by definition senior managers within their workplaces, with teams of people who report through to them. To simply terminate their employment without any notice or reason is troubling not only for that senior staff employee but for those who are left behind to pick up the work and rebuild morale within the workplace.

It is also extremely difficult and upsetting for the families of those senior staff members, particularly those also working alongside them in regional councils. In more remote areas, senior managers of councils are often well known in their local communities, something that those of us who live in the city do not understand. Often their children attend small local schools. The divide between work and family lives is far less distinct than in the city. It is often the case that the family has in fact relocated to the region so that the employee can take up the role at the council. The sudden termination of their employment—without reason or cause—usually also means having to uproot the family and find alternative work elsewhere.

The community also has to be able to trust that senior employees and their councils are able to make decisions without influence and without fear of dismissal—something an insecure form of work does not allow. It is essential for transparency and for fair and reasonable employment practices that senior staff in local governments are not subjected to the whims of their employers and have access to the unfair dismissal and dispute resolution jurisdiction of the Industrial Relations Commission. These are simple but effective and much-needed proposals. I commend the bill to the House.

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (14:22): On behalf of the Hon. Daniel Mookhey: In reply: I thank the Hon. Damien Tudehope, the Hon. Mark Buttigieg, Dr Amanda Cohn and the Hon. Bob Nanva for their contributions to debate on the Local Government Amendment (Employment Arrangements) Bill 2024. The bill before the House gives effect to one of the recommendations made by the Industrial Relations Taskforce in its report to the Government. It also reflects the representations to the New South Wales Government of the parties to the Local Government (State) Award 2023 and their agreement that senior staff in local government, other than the general manager, must have access to the jurisdiction of the Industrial Relations Act 1996.

Currently employees deemed to be senior staff may be employed using standard contracts of up to five years duration. Senior staff have the potential to have their employment ended by way of "no reason" termination clauses in standard contracts under the Local Government Act 1993—that is, they can be dismissed for no reason at all. However, members of the community must be able to trust that senior employees in their council are able

to make decisions without influence or fear of dismissal. It is essential for transparency, and just for fair and reasonable employment practice, that senior staff in local government are not subject to the whims of their employer and instead have access to the unfair dismissal and dispute jurisdiction of the Industrial Relations Commission.

The bill will amend the Local Government Act to remove references to "senior staff" so that those provisions may apply only to the general manager of a council. It will ensure senior staff have security of employment by transferring their employment to an award or enterprise agreement with immediate access to the jurisdiction of the Industrial Relations Act. It will ensure a period of transition so that councils and their employees can make informed decisions and prepare for the changes.

The bill will also provide senior staff currently employed under a standard contract with the option to request to the employer to be transferred to the award or enterprise agreement before their current contract expires, or to remain on their contract until it expires or is terminated. Finally, the bill will increase the attractiveness of employment within local government by offering secure, ongoing employment to all council employees other than the general manager. I acknowledge the work on this bill by the Minister for Industrial Relations, Sophie Cotsis, and the Minister for Local Government, Ron Hoenig. 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.

Third Reading

The Hon. TARA MORIARTY: On behalf of the Hon. Daniel Mookhey: I move:

That this bill be now read a third time.

Motion agreed to.

OMBUDSMAN AND OTHER LEGISLATION AMENDMENT BILL 2024

Second Reading Debate

Debate resumed from 9 May 2024.

The Hon. SUSAN CARTER (14:26): I speak in debate on the Ombudsman and Other Legislation Amendment Bill 2024. The bill will amend the Ombudsman Act 1974 and the Community Services (Complaints, Reviews and Monitoring) Act 1993 and repeal the Ombudsman Regulation 2016. These are all amendments requested by the NSW Ombudsman. I agree with the words of the Hon. John Graham in his second reading speech that it is good government to consult with the Ombudsman to ensure that office is an effective, strong and independent integrity agency. The Opposition also agrees that it is critical that our integrity agencies are equipped with appropriate legislative frameworks to enable the efficient and effective exercise of their principal functions.

Much of this bill is uncontroversial and I will deal with it briefly. The bill will permit the Ombudsman to make preliminary inquiries to determine whether or not jurisdiction exists in relation to particular conduct and the exercise of particular functions. This will enhance the effective and efficient execution of the Ombudsman's responsibilities in cases where an investigation cannot be pursued or is deemed unnecessary. Any information revealed to the Ombudsman during those preliminary inquiries would be safeguarded by the Ombudsman's statutory confidentiality duties, ensuring the protection of disclosed information. This is a sensible and efficient amendment, and we are happy to support it.

The bill also extends the power of the Ombudsman to make copies of any documents that it inspects and creates an express statutory duty for a public authority to cooperate with the Ombudsman and, if asked, assist the Ombudsman to exercise its powers. This is consistent with recommendations from the Commonwealth Royal Commission into the Robodebt Scheme. It is important as legislators that we learn from mistakes and refine our legislation to ensure that it is working as intended and in the best possible way.

The bill also provides an express statutory power to provide education and training services and charge reasonable fees for the provision of those services. Education and training have long been viewed as essential to the Ombudsman's role of capacity-building, proactively improving complaint-handling and promoting good administrative conduct in the public sector. The Opposition has no issues with any of these provisions. The bill makes some other consequential amendments which, in general, we are happy to support.

However, there are two issues with this bill that the Opposition will seek to amend. The first is the provision to repeal the current section 31Z that prohibits the disclosure of information tending to identify a person as a protected person. A protected person includes a person who has made a complaint to the Ombudsman, any public

official providing information or documents on behalf of an agency about a complaint and any other person assisting the Ombudsman in some way. Section 31Z was introduced by the Coalition in 2022 as part of the Public Interest Disclosures Act. The Ombudsman has formed the view that this provision imposes an unnecessary administrative burden and should be removed.

As I observed earlier, it is good governance to consult with bodies such as the Ombudsman to ensure the best interaction with legislation. However, in this instance, no other stakeholders appear to have been consulted. That is poor governance. Furthermore, it is not the role of government to simply remove an apparent administrative burden without examining the reasons for that burden. In fact, no other reasons have been given for this change except that it was requested by the Ombudsman. We will therefore seek an amendment to oppose this change. The reasons for its inclusion in 2022 remain valid today. We do not support repealing protections for people who give the Ombudsman information simply because it creates work for the Ombudsman.

The second issue that the Opposition will seek to amend relates to changes in the Ombudsman's obligations to monitor and assess Aboriginal programs under part 3B of the Act. Instead, under this bill, the Ombudsman will have discretion to determine if, when and which programs are to be monitored. The Government's argument for this change is that it is "a step forward in the independence of the Ombudsman" and that it is consistent with the view of Parliament when part 3B was introduced in 2014 but "makes it real in the modern circumstances".

However, we disagree that this change is consistent with the view of Parliament. I quote from the second reading speech given by the Minister for Citizenship and Communities, and Minister for Aboriginal Affairs, in 2014. When talking about the introduction of part 3B and the monitoring that would be part of it, he said:

> The idea for this initiative came from Aboriginal community leaders and demonstrates the commitment of the Government to listen to communities and to work in genuine partnership with them to implement much-needed reform. This is an Australian first—no previous State or Federal government has opened itself up to this level of independent scrutiny of its Aboriginal programs. In three recent independent reports both the New South Wales Auditor-General and the NSW Ombudsman have called on government to have greater accountability in the design and delivery of programs and services for Aboriginal people. In May 2011 the Auditor-General stated in his report on the previous Labor Government's Aboriginal Affairs Two Ways Together plan that, "…it has not delivered the improvement in overall outcomes for Aboriginal people that was intended." The Auditor-General recommended that an independent auditor undertake an annual review of government programs and services delivered to Aboriginal people, to build an evidence base of what works in Aboriginal affairs, and to appoint an independent advisor as a champion for Aboriginal people in New South Wales.

The Deputy Ombudsman (Aboriginal Programs) was the champion appointed as part of the scheme in part 3B. These same concerns hold as strongly in 2024 as they did 10 years ago in 2014. It does not appear that the Government has properly consulted on or addressed this issue, so we will move an amendment that maintains the Ombudsman's obligation for oversight. Subject to those amendments, the Opposition is happy to support the bill.

Ms CATE FAEHRMANN (14:39): The Greens will support the Ombudsman and Other Legislation Amendment Bill 2024 subject to what happens to the amendments foreshadowed by the Opposition. The bill amends the Ombudsman Act to make a number of reforms aimed at efficiency. It also makes minor amendments to the Community Services (Complaints, Reviews and Monitoring) Act 1993 and the Disability Inclusion Amendment Act 2022. I note the amendments were requested by and made in consultation with the Ombudsman's office. It is unfortunate, though, that more information has not been provided to members as to exactly what the feedback from the Ombudsman's office was and exactly why all of the changes that the Ombudsman has requested were made. Some seem very straightforward, but the issues that the Hon. Susan Carter raised were also identified by The Greens. The reasons for those changes have not been provided. However, these changes are mainly aimed at ensuring the agency is effective and efficient, and that is something that The Greens support.

The amendments will provide clarity around the definition of an Aboriginal program. We will speak to that more in the Committee stage because there is a long history as to why the Opportunity, Choice, Healing, Responsibility and Empowerment [OCHRE] program is specifically mentioned in this legislation. It is important that members of this place, many of whom were not around in 2014, are cognisant of the OCHRE program's history, why it was legislated and why a Deputy Ombudsman (Aboriginal Programs) was appointed 10 years ago. We support the OCHRE program. To date, it is the only program of its kind that is specifically prescribed in the legislation.

There is an amendment that will provide for a general definition of the types of Aboriginal programs that should be monitored by the Ombudsman, including but not limited to the OCHRE program. Again, we will talk to that in Committee. Flowing from that change, however, the bill also proposes to amend the requirement that the Ombudsman is to assess all Aboriginal programs. It instead provides the Ombudsman with discretion as to the monitoring and assessment of those programs. Again, we find that incredibly problematic, with no justification behind such a potentially significant change that will have significant ramifications being included in the bill.

A New South Wales Government ministerial taskforce was established in 2011 and formed the new plan called the OCHRE program. The taskforce's final report into Aboriginal programs noted that the Auditor-General and Ombudsman at the time had raised the need for transparent and clear reporting and for a strong Aboriginal voice on issues fundamental to improving the lives of Aboriginal people. Key messages from community consultation at the time included a need to involve transparent and open dialogue with Aboriginal people. They recommended that accountability be improved through independent auditing and scrutiny of the Government's programs and services directed towards Aboriginal people. Again, that was the reasoning behind the creation of the deputy role.

I note that the Government's statement of public interest on this bill provides that consultation is being carried out with the Ombudsman's office and other New South Wales Government agencies. I was informed by the Minister's office today that the consultation included Aboriginal affairs. However, when we consider the extraordinary consultation that took place before the 2014 changes to the Ombudsman Act, it is not good enough that there has been no consultation carried out with Aboriginal people for this change.

I understand we also asked the Minister's office about this and whether Aboriginal communities had been consulted. The response was that substantial consultation was carried out in 2014. I think that is quite remarkable because the whole point of the consultation carried out in 2014 was that it required the establishment of a Deputy Ombudsman specifically for Aboriginal programs and mandated within the Act that the Ombudsman undertake scrutiny of these programs. The intention of the bill before us, if it is not amended, is to remove that mandatory scrutiny and allow discretionary scrutiny. The need for scrutiny is as important now as it was then. The need to have independent oversight and the comfort and guarantee that there is a requirement for independent oversight is incredibly important. Close the Gap data released in March this year shows that only five out of 19 targets for First Nations Australians are on track.

The other amendment of concern is the proposal to omit section 31Z. I note the Opposition has also spoken about that and will move amendments. Section 31Z prohibits the Ombudsman or a public authority from disclosing information tending to identify a person who takes protected action. A protected person is someone who, for example, makes complaints or disclosures of information about a matter that concerns serious maladministration—in other words, potentially, a whistleblower. That is quite a timely amendment, in fact, because we know that just this week whistleblower David McBride was jailed for almost six years for disclosing information about war crimes—not the war criminal, but the person who disclosed and uncovered those crimes.

It is no surprise that people want to speak up about maladministration. We need to do everything we can to make it easier for that person and to protect them, and section 31Z provides that. The section was introduced specifically only a few years ago. There are reasons why this Parliament makes laws and there are reasons why in 2014 it amended the Ombudsman Act, which The Greens supported at the time. I will speak to that more in Committee. We were pleased with those changes at the time. There are reasons why section 31Z was included as well. Having said that, I hope that these amendments will be supported in Committee. They are important.

It is one thing to hear that these significant changes to the Ombudsman's functions are what it wants, but I suggest that detailed correspondence, statements and supporting documents from the Ombudsman would really help members to understand the purpose of the changes, including why they would make the Ombudsman's office more efficient, as the Minister says. From a principle perspective, that would help members be able to make decisions and be confident that the changes we are supporting will make the Ombudsman's work better and strengthen its independence. I am not convinced that every change proposed in the bill will do that.

The Hon. CAMERON MURPHY (14:42): I contribute to debate on the Ombudsman and Other Legislation Amendment Bill 2024. The Ombudsman is one of the most important integrity agencies that we have in this State. People go to the agency to make complaints about the New South Wales public sector, its agencies and its officials. It is the prime body that investigates those complaints and ensures that there is accountability throughout the New South Wales public sector. While the bill is a miscellaneous amendment bill, it arises out of requests made by the Ombudsman so that it can do its job effectively and diligently, and do it well with the limited resources available to it, and can maximise accountability and perform its function with the highest integrity. That is why the bill is before the House.

Schedule 1 to the bill proposes a number of amendments to the Ombudsman Act. It will make provision for the Ombudsman to make preliminary inquiries to determine whether it has jurisdiction over particular conduct for the purposes of any function of the Ombudsman under the Act or another Act. That is crucially important because it ensures that the Ombudsman's office goes through a preliminary step to determine whether, ultimately, it will have the power to act in a matter or not so that it can easily dispose of claims and complaints that are made and focus its resources and energy on the matters which it has jurisdiction over, and can do that effectively.

One of the key changes is to the definition of an Aboriginal program, which other speakers in the debate have mentioned. Section 25L currently provides that the Ombudsman is to monitor and assess Aboriginal programs to which part 3 applies. The proposed amendment in the bill is to replace the words "is to" with "may". That provides the Ombudsman with the ability to select which programs it is going to focus its valuable resources on, rather than force it to oversight all programs. We must understand that in the context of a situation where it really does need the power to self-determine and assess what requires oversight and what does not. The current definition of Aboriginal programs is extremely broad and will capture all sorts of programs across all government agencies, many of which clearly are not the types of programs that ought to have the valuable resources of the Ombudsman's office focused on oversight.

As has been said already by previous speakers, these changes have been requested by the office of the Ombudsman itself. It wants to ensure that it has the ability to perform its integrity function in the most appropriate, resource-efficient and targeted way, and that is exactly what this collection of amendments in the bill will do. Another element of the bill is to repeal a provision inserted by the Public Interest Disclosures Act that the Ombudsman believes is imposing an unnecessary administrative burden on its office. It is also going to put in place an express statutory duty for a public authority to cooperate and, if asked, assist the Ombudsman in the exercise of its functions, including its complaint, investigative and oversight functions clause. That is an essential and important part of the bill.

Most people would expect that, when the Ombudsman performs its integrity function, investigates a complaint and goes to a public sector agency and says, "We are here to look at this," the agency would cooperate and provide the documents and assistance necessary to the Ombudsman to ensure that it can effectively deal with that complaint and arrive at an outcome. At the moment, there is no obligation for an agency to cooperate. This legislation makes it abundantly clear that agencies have a duty and an obligation to assist the Ombudsman to perform its important function. Bills like this come before the House from time to time and members often look at the miscellaneous amendments and think that they are light on detail and are of no consequence or importance, but often the opposite is true. These minor changes can make a difference to the important work of agencies. I commend the bill to the House.

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (14:49): In reply: I thank members for their comments in debate on the bill. I will address a number of the issues raised during the debate. Members made it clear, and I think it is well understood, that these changes have been requested by the Ombudsman. The changes are designed to make the office of the Ombudsman a more effective body. The bill is being passed in support of those functions. I note the comments of members relating to consultation and the request for extra information. The Government will be happy to provide additional information to members as soon as is practicable, along the lines of what Ms Cate Faehrmann asked for.

I will address the issues of substance. A question has been raised about definitions, and there are proposed amendments to the bill to that effect. The difference between the approach of the Government and the approach that is being proposed is not substantial. However, it is still important that we get this right. Some aspects of the Aboriginal programs had drifted out of the sight of the Ombudsman because of the definition in the Act. The bill seeks to remedy that key issue. We should be drafting the bill carefully because the intent of the Parliament in 2014 was clear, but it was being frustrated as new programs were added in recent years that fell out of the parliamentary definition provided in the previous Act. We seek to remedy that. Alternatively, the approach that might be proposed is not hugely different, but the Government says this is no time to make mistakes, as were made in the past. That is the first issue.

The second issue is probably the most important one. I directly address the question of whether mandatory scrutiny is being removed. The Government categorically rejects that suggestion. In fact, we say the opposite: The proposed approach as floated during debate would impede the independence of the Ombudsman. That is the effect of the amendments which might shortly be moved. This is an important issue of principle, and I set forward the two reasons that the Government prefers the approach in the bill.

The wording of the existing legislation indicates that the Ombudsman is to undertake the audits. That allows the Ombudsman some discretion. This is not a mandatory scrutiny. It allows the Ombudsman to perform that function; it does not insist that the Ombudsman performs that function. The wording in the proposed approach is to insist that the Ombudsman perform those functions. That has two flaws. The first is that the approach of this Government, as taken by previous governments, is not to tell independent integrity agencies what to do. To insist that those agencies should set their judgement aside and that they must perform this function rather than use their own assessment is an imposition on their independence as an integrity agency. We prefer the existing approach. I am sure we will discuss that further in the Committee stage.

Secondly, if we were to upgrade the level of scrutiny to these programs—if we were to say that the Ombudsman has an ability to use his or her judgement in general in auditing programs but not when it comes to Indigenous programs such as Opportunity, Choice, Healing, Responsibility and Empowerment [OCHRE]—why are these the only programs that are being singled out by the Parliament as being so at risk or so flawed that they must be audited? We do not accept that. That would be an unreasonable burden to place on those programs.

If there is a problem, of course it is the case that they should be audited. But the evidence has not been laid out as to why those programs are so flawed that the Parliament must strengthen the law to say, "Previously we gave a power. We said the Ombudsman is to examine these programs. We come back 10 years later and now insist that, on the evidence before us, they must audit them." We do not accept that. I look at the Treasurer when I say this—we have seen some doozies in some other areas. We have seen evidence in other programs. We have not necessarily seen it here. Members are entitled to have another view, but that is the view that the Government puts today. We will discuss that further during the Committee stage. For those two reasons—firstly, because it is a breach of the principle of independence of the Ombudsman and, secondly, because we have not seen the evidence—the Government is not opposed to the previous legislative approach.

The third issue relates to section 31Z. It is reasonable that it has attracted the attention of members because it is removing a protection. The Government is proposing to remove this protection because the Ombudsman has advised of practical problems that the section is providing with their operation. Secondly, overriding protections are in place, and I will place some of that on the record for the assistance of members. Members would recall section 31Z is a recent amendment that was inserted into the Ombudsman Act by the Public Interest Disclosures Act 2022. The Ombudsman is the chair of the Public Interest Disclosure Steering Committee.

The Ombudsman continues to be bound by the non-disclosure duty in section 34 of the Ombudsman Act as well as some of the protections that separately exist in the Privacy and Personal Information Protection Act 1998. The non-disclosure duties in section 34 are a broad provision that protect against the disclosure of certain information. The section provides that, other than in the exceptions set out in the provision, the Ombudsman and the officers of the Ombudsman must not disclose information obtained in connection with the administration or execution of the Act. In relation to 31Z, the section that is proposed to be removed, the Ombudsman's office has advised that it places an additional layer of restrictions over the Ombudsman's existing non-disclosure duties, to which I have just referred, which has been confusing to both the Ombudsman's staff and to the stakeholders.

The view that they have put to the Government and to the Parliament is this: The handling of complaints frequently requires a back and forth between Ombudsman staff and public authorities or Ombudsman staff and the complainant. Their assertion is that the existing section 34 restrictions adequately cover these types of information flows. In fact, they have put the opposite view about section 31Z—it is actively hampering the efficiency of their processes while providing no additional protection. That is the view of the Ombudsman expressed through the Government to the Parliament.

Of course, members should be cautious about removing protections, but I did find the Ombudsman's explanation and suggestion that there were those problems to be commonsense. It is difficult to resolve these sorts of complaints if they are not able at any point to suggest who is raising those complaints. That practical observation has driven these amendments. Those are the three issues raised by members in debate on the bill. We can consider those issues in further detail. Those issues of definitions are important. We cannot get it wrong. However, the proposed approach is not hugely offensive. Some important issues of principle were raised in that second issue, and members have rightly asked questions about that very practical amendment. The Government prefers to proceed with its approach.

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 are three Opposition amendments on sheet c2024-060A.

The Hon. SUSAN CARTER (15:00): By leave: I move Opposition amendments Nos 1 and 2 on c2024-060A in globo:

No. 1 **Definition of OCHRE**

Page 3, Schedule 1[7], lines 36–40. Omit all words on the lines. Insert instead—

Aboriginal program means the following—

(a) the OCHRE program,

(b) other Government programs primarily directed to the health, or cultural, economic, educational or other wellbeing, of Aboriginal persons or communities.

OCHRE program means the OCHRE (Opportunity, Choice, Healing, Responsibility, Empowerment) program launched by the Government in April 2013.

No. 2 **Requirement to monitor and assess OCHRE**

Page 4, Schedule 1[8], line 3. Omit all words on the line. Insert instead—

(1) The Ombudsman—

(a) must monitor and assess the OCHRE program, and

(b) may monitor and assess other Aboriginal programs.

These amendments seek to ensure that the Ombudsman has the ability to provide appropriate oversight over all government programs that are directed primarily to the health, or cultural, economic, educational or other wellbeing of Aboriginal persons or communities, which the Opposition accepts the Ombudsman should have discretion with respect to. However, when it comes to the Opportunity, Choice, Healing, Responsibility and Empowerment [OCHRE] program, the Opposition sees no reason to change the existing structure of the Ombudsman Act. The Government argues that the words "is to" are not mandatory, but if John "is to" pick up the ball, there is no choice. It is a mandatory form of language. I submit that if the Government really believed that "is to" were not mandatory words then it would have retained that language.

But schedule 1 [8] to the bill proposes to omit section 25L (1) and insert instead "the Ombudsman may monitor". By amending the words to the discretionary "may" rather than the mandatory "is to", the Government is inserting this change. The Opposition argues that mandatory oversight of the OCHRE program should remain because that is exactly what members of the Aboriginal community asked for when it was introduced. Apparently there has been no consultation since then, which would suggest that nothing has changed. In his second reading speech on the Ombudsman Amendment (Aboriginal Programs) Bill 2014 regarding the role of the Deputy Ombudsman and whether the OCHRE program is to be oversighted by the Ombudsman, Minister Dominello said:

> It aims to avoid a critical after-the-fact report when a program has been delivered, the money has already been spent or it is simply too late to salvage a proper outcome from a poorly designed and poorly delivered program.

These amendments seek to not only ensure that the very clear wishes of the Aboriginal community—expressed when part 3B of the Ombudsman Amendment (Aboriginal Programs) Bill was instituted—regarding the oversight they sought over the OCHRE program are retained but also accommodate the Government's desire to have discretion oversight over other programs. I commend the amendments to the Committee.

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (15:03): I thank the member for that explanation. I will put the Government's view on record and walk through the Opposition's amendments. Firstly, I understand why Opposition members associated with driving the Opportunity, Choice, Healing, Responsibility and Empowerment [OCHRE] program would feel the desire to see the original definition in the Act. That is reasonable, given the former Government's significant investment of time, genuine energy and focus. Amendment No. 1 does not risk, and is even aligned with, the policy intent of the bill, but the Government does not support it because it wants to be cautious and not take last-minute risks with the drafting of the bill.

I will walk through the points made by the Hon. Susan Carter about amendment No. 2, about which the Government has real concerns. The Government does not accept that the current wording of "is to" is a mandatory direction to the Ombudsman that it must audit the OCHRE program and other Aboriginal programs. It simply describes the power and function of the Ombudsman. It would be an upgrade for the bill to state that the Ombudsman "must" audit the programs, while the Opposition's concern is that changing the language to "may" would be a downgrade. The Government's position is that the Opposition is on stronger ground on the second amendment but totally wrong on the first. I indicate that the Government would be less offended by, and would not trip over, returning to the original wording of the bill, which allows the Ombudsman discretion. I understand that an amendment in that regard might also be moved. I make those comments for the benefit of members.

The Hon. TANIA MIHAILUK (15:06): I was going to support Opposition amendments Nos 1 and 2, but it appears that the Government is now considering going back to the original wording in the bill. If that is the case and the Government moves an amendment to that effect, I will support that amendment. I understand why the Opposition has worded these amendments as it has, because the way the bill has been presented has changed. I agree with the Opposition that this is really about semantics, but if the Government goes back to the original wording in the bill, as the Minister has suggested, and if it moves an amendment to that effect, then that would be suitable.

The real issue is that the original intent of the Opportunity, Choice, Healing, Responsibility and Empowerment [OCHRE] program is not changed. I flag that I was a member of Labor's shadow ministry in the other place when this program was initiated, and at no stage were concerns raised about this legislation. If there are any concerns with the way in which the Ombudsman audits the OCHRE program then they must be recent, because nothing was ever flagged by the Labor Party in opposition.

Ms CATE FAEHRMANN (15:08): I move:

> That Opposition amendment No. 2 on sheet c2024-060A be amended by omitting in paragraph (1) (a) "must" and inserting instead "is to".

I stated in my speech during the second reading debate that The Greens have the same concerns that the Opposition has about the changes the bill makes to the Opportunity, Choice, Healing, Responsibility and Empowerment [OCHRE] program, which seem to deprioritise and de-emphasise the importance of accountability mechanisms in relation to that program. My amendment to the Opposition's amendment simply reinstates what is in the Act as it now stands in terms of the OCHRE program. That is that the Ombudsman "is to monitor and assess" the program.

It is important to put on record the history of the OCHRE program and why it is specified in the Act in the way it is. I had a look at the speeches in the second reading debate for the Ombudsman Amendment (Aboriginal Programs) Bill 2014. Former member of this place the Hon. Catherine Cusack incorporated into *Hansard* the second reading speech to the bill when the Opposition was in government. It stated that the Auditor-General produced a report very soon after the O'Farrell Government came to power in May 2011 into the previous Labor Government's Aboriginal Affairs Two Ways Together plan. That report stated that the Two Ways Together plan "has not delivered the improvement in overall outcomes for Aboriginal people that was intended". The second reading speech said:

> The Auditor-General recommended that an independent auditor undertake an annual review of government programs and services delivered to Aboriginal people, to build an evidence base of what works in Aboriginal Affairs, and to appoint an independent advisor as a champion for Aboriginal people in New South Wales.
>
> In October 2011 the NSW Ombudsman identified similar shortfalls with the previous Government's policy in his special report to Parliament, "Addressing Aboriginal Disadvantage: the need to do things differently". He found:
>
> > Wasted opportunities stemming from a large amount of funds being spent on a disparate 'grab-bag' of programs without adequate accountability.

The second reading speech also states:

> In August 2011 in response to the Auditor-General's report the Minister established and chaired the New South Wales Government Ministerial Taskforce for Aboriginal Affairs. The taskforce comprised seven senior Ministers and four senior Aboriginal community representatives who, for the first time, sat at the table and made decisions together. The task force had a tight focus: to improve education and employment opportunities for Aboriginal people across New South Wales, and to improve service delivery and accountability in Aboriginal Affairs.
>
> In 2012 the taskforce held two rounds of community consultation and heard directly from Aboriginal people, the non-government sector and corporate Australia about what works on the ground and how to build on these initiatives. More than 2,500 people attended these community consultations, more than 400 survey forms were completed and 201 submissions were received … The taskforce listened to the community and made recommendations to the New South Wales Government …
>
> As a result of this partnership with Aboriginal people, Opportunity, Choice, Healing, Responsibility and Empowerment [OCHRE] was created.

Again, that was in 2014. It continues:

> OCHRE is the New South Wales Government's plan for Aboriginal Affairs, which has been developed in partnership with Aboriginal people and is the response to the taskforce's recommendations.

That is an important point. OCHRE is not like every other program. It had years of all that consultation. Seven senior Ministers, four senior Aboriginal community representatives and all those people came up with a plan. I am not sure what this Government's plan is in terms of the Ombudsman having to review it every year. It is not a grab bag of programs. OCHRE is not just another program. That is why it is important that it is specified—which the Opposition's amendments provide for, and I stress that The Greens would have done the same thing—and not, as suggested in the bill, provided only as an example below the definition of an "Aboriginal program", meaning "a Government program that is primarily directed to the health, or cultural, economic, educational or other wellbeing, of Aboriginal persons or communities".

The Government has brought this bill forward saying that it makes reasonably insignificant changes and that it is what the Ombudsman wants despite the will and intent of this Parliament in 2014. Yes, the existing legislation was passed by the former Government. Usually I would not defend what it has done. But my colleague at the time Ms Jan Barham, who was very passionate, diligent, smart and attuned to First Nations justice and Aboriginal affairs in this place, was very supportive of that work. Again, if the Government is to bring a bill of this extent to this place, it should also bring the substance and the support, consult with stakeholders, and justify

the need for the change. I commend my amendment to the Opposition's amendment to the Committee. The Greens support the Opposition's amendments.

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (15:15): I take the opportunity to make a couple of observations, including in relation to The Greens amendment to the Opposition's amendment No. 2. Ms Cate Faehrmann has stated the importance of OCHRE well. The Government does not dispute that. In fact, I support the comments that have been made both by her and the Hon. Susan Carter about the importance of that program. It has had the support of all members of the Parliament. I reiterate that the Government opposes the Opposition's amendment No. 1 on drafting grounds but has no issue with the view put. In fact, I support the view that the member put about the significance of the program. I make clear, though, that the policy intent of the 2014 Parliament was being frustrated by the fact that OCHRE was the only definition in the Act. That is why we had to act to make sure that new programs that had evolved outside of that framework also fell into it. Both the Opposition's amendment No. 1 and the Government's current wording in the bill would deliver that. For drafting reasons, the Government prefers its own wording.

The Greens amendment to the Opposition's amendment No. 2 to return to the original wording of the Act does see the Ombudsman's independence protected. It does see the programs dealt with in a way that other programs across government are dealt with. It does allow the Ombudsman to use discretion. For all those reasons, it is a much preferable approach than the suggestion in the current wording of Opposition amendment No. 2 that the programs "must" be audited and that the Ombudsman should have no discretion. Again, the Government will not support the original amendment but, should The Greens amendment be successful, it is the same approach as the existing legislation and it is a helpful proposition.

The CHAIR (The Hon. Rod Roberts): Although the Opposition's two amendments were moved in globo, my intention is to put them separately. We will deal with Opposition amendment No. 1 on sheet c2024-060A first. The Hon. Susan Carter has moved Opposition amendment No. 1 on sheet c2024-060A. The question is that the amendment be agreed to.

The Committee divided.

Ayes 20
Noes 16
Majority.....4

AYES

Boyd	Higginson	Mitchell
Carter	Hurst	Munro
Cohn	Latham	Rath (teller)
Faehrmann	MacDonald	Taylor
Fang (teller)	Martin	Tudehope
Farraway	Merton	Ward
Franklin	Mihailuk	

NOES

Banasiak	Jackson	Murphy (teller)
Borsak	Kaine	Nanva (teller)
Buckingham	Lawrence	Primrose
Buttigieg	Mookhey	Sharpe
Donnelly	Moriarty	Suvaal
Graham		

PAIRS

Farlow	D'Adam
Maclaren-Jones	Houssos

Amendment agreed to.

The CHAIR (The Hon. Rod Roberts): The Hon. Susan Carter has moved Opposition amendment No. 2 on sheet c2024-060A, to which Ms Cate Faehrmann has moved an amendment. The question is that the amendment of Ms Cate Faehrmann be agreed to.

Amendment of Ms Cate Faehrmann to Opposition amendment No. 2 on sheet c2024-060A agreed to.

The CHAIR (The Hon. Rod Roberts): The question now is that Opposition amendment No. 2 on sheet c2024-060A as amended be agreed to.

Amendment as amended agreed to.

The Hon. SUSAN CARTER (15:27): I move Opposition amendment No. 3 on sheet c2024-060A:

No. 3 **Disclosure of identifying information**

Page 4, Schedule 1[11] and [12], lines 8–11. Omit all words on the lines.

This simple amendment seeks to retain section 31Z in the legislation. The section was introduced a mere two years ago to protect protected persons. I understand the arguments of the Government that there are other protective provisions in place—in particular, section 34, which requires the protection of private and personal information. But section 34 was in the Act when the Parliament saw a need to introduce section 31Z, so nothing has changed. The only opposition to the change was the imposition of an administrative burden on the Ombudsman. We are sensitive to that and are interested to know further details to perhaps amend section 31Z. At the end of the day, if the calculus is between protecting people who come forward to raise issues of concern with the Ombudsman and the administrative burden on a public body, we must be in favour of protecting those who come forward. This very simple amendment retains those existing protections inserted by this Parliament a mere two years ago.

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) (15:29): I addressed this issue to some extensive degree in my speech in reply to the second reading debate. I simply add the following points. The Ombudsman has directly advised the Government that this provision is problematic. That is the new information we have. The member moving this amendment has correctly observed the intent of the Parliament; this new information, though, has come to light. The provision is causing practical impediments to the discharge of the Ombudsman's functions, centrally, their handling and resolving of complaints.

The Government has received advice that the protection against disclosing identifying information under section 31Z is inconsistent with the functions and standard operation of an ombudsman, which is to respond to and assist in resolving complaints. The view the Ombudsman has put to the Government, and now to the Parliament, is that this inherently requires parties to be made aware of each other's identity. There are other protections in place for confidentiality, but if the Ombudsman cannot let people know each other's identity, it is very difficult to fix the complaint. The Ombudsman has raised that practical issue and asked the Parliament to resolve it. I reiterate the position I have already put on record: that section 31Z hampers the efficiency of those processes. There are already meaningful protections. I refer members to the Privacy and Personal Information Protection Act 1998, but also, crucially, the non-disclosure duty in section 34 of the Ombudsman Act.

Ms CATE FAEHRMANN (15:30): The Greens support the amendment. Again, if the Ombudsman has good reason—and the Government assures us that they do—to remove critical protections for people who are disclosing information to the independent watchdog and potentially whistleblowing about the behaviour within public sector agencies, all members of this place should be afforded the right to have that information. Is there a review that has highlighted the nuisance this section of the Act has created for the Ombudsman? Just two years ago this Parliament voted to support the inclusion of that provision, for good reason. Again, members have to be very careful when amending this Act, and not enough information has been provided. If members were given good reason, perhaps they would support it—but not this time.

The Hon. TANIA MIHAILUK (15:32): I indicate that I do not support the amendment, but I understand why the Opposition has moved it. However, in my time as a member of Parliament for 12 years, I have worked closely with a lot of different individuals who needed assistance from different government departments and often had to seek advice and assistance from the Ombudsman. It is often impossible for the Ombudsman to efficiently assist individuals in their interests if they cannot actually disclose who that individual is to the relevant department.

A good example of that is in housing. Often housing clients will make a whole stack of vexatious and frivolous complaints against housing staff for various reasons. As someone who worked closely with Bankstown housing, I know the difficulty often faced by that office in defending its actions. It was incredibly difficult for members of that office. They were put in a position where letters calling them all sorts of names and attacking them as individuals were being presented to the Ombudsman. I have seen some pretty horrific letters in my time where people have put forward some very vexatious and frivolous complaints. How is the Ombudsman and their office supposed to address those issues if they cannot identify the individual?

Enough protections are in place within section 34 of the Ombudsman Act and, indeed, under the privacy and personal information Act to protect these individuals, in any event, from anything becoming publicly

disclosed. The real concern is that anything those individuals are raising does not end up in a newspaper, for example. Ultimately, if one wants those individual matters addressed in good faith, the Ombudsman needs to be able to disclose the details or names of those individuals to the relevant department when managing and resolving these types of complaints. I do not support the amendment. I agree with the current wording of the bill.

The CHAIR (The Hon. Rod Roberts): The Hon. Susan Carter has moved Opposition amendment No. 3 on sheet c2024-060A. 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. JOHN GRAHAM: I move:

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

Motion agreed to.

Adoption of Report

The Hon. JOHN GRAHAM: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. JOHN GRAHAM: I move:

That this bill be now read a third time.

Motion agreed to.

ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (VIBRANCY REFORMS) BILL 2024

Second Reading Speech

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (15:37): On behalf of the Hon. Penny Sharpe: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Environmental Planning and Assessment Amendment (Vibrancy Reforms) Bill 2024 to this House. Of course, the bill was first debated in the other place, so I will not repeat all those comments. However, for the benefit of the House, I make some comments to give members a sense of the incident that informed the Government's approach to the bill. The bill is strongly aligned with the view taken by this Chamber and this Parliament that we must try to lift the potential and vibrancy of this State. The particular situation that gave rise to the bill has been widely discussed in the media. A particular venue at Palm Beach—where *Home and Away* has been filmed over an extensive number of years—has been renovated at a cost of millions of dollars, yet now the law of the land insists that it close early.

The current development application requires the property to close its doors at 4.00 p.m. That is why the bill is before the House. A newly renovated venue in a beautiful part of our State is not accessible to the public. Bus loads of tourists coming to this beautiful part of our State and our city are being turned away as they arrive at Palm Beach at 3.30 in the afternoon hoping to perhaps have a coffee or a drink as the sun sets over Palm Beach. The doors swing closed at 4.00 p.m. They are being turned away because of the current development application laws. When the issue was ventilated in public and the Government investigated it, it did not seem to make sense.

Why are those provisions in place? One of the concerns has been noise, and those issues have been debated extensively in the Parliament. Before the noise from the venue reaches the ear of the nearest neighbour, it has to travel more than 600 metres. Before the sound of clinking of glasses at 4.30 p.m. might reach the delicate ears of the nearest neighbour, it has to travel across a golf course. That is the truth of the situation. When the development application was put out to public consultation, the vast majority of submissions were in favour. I think about seven were in opposition, and yet that initial development application was not approved. The doors swing shut seven days a week at 4.00 p.m.

That raises a number of serious issues. It was of concern to me, given the issues the Parliament has debated that I have supported. It was also of concern to the Premier. The Premier and I met with the venue to talk through its concerns. The bill is designed to send a gentle signal to councils about the sorts of expectations that the Government has in the interests of the public. It raises the following principles. Firstly, we want a more vibrant State and city. That has been the clear direction from this Parliament, and the bill is a chance to send that signal.

Secondly, we have debated and passed State laws in this House to stop single neighbours shutting down venues. Those apply under licensing regimes, but the issue is that those new protections for venues that we all debated would protect a noise complaint under the licensing law but they do not even get started because the issue is already in the council development application. The Parliament agreed on protections and said, "If five people have a problem, we have to take that seriously, but if one serial complainant who has shut down venues before has a problem, they should not have a say over the public." The provisions we passed cannot get off the ground because this issue relates to the development application.

The Premier feels strongly about this third principle, which is that the public has a right to access public places. That is really important. Councils have an important role to balance all the competing demands. The Government is strongly supportive of that but at some point the law cannot be used to frustrate the public accessing beautiful public spaces. That is an important principle we have to support. Fourthly, we want to support councils to resolve issues like this. The State Government cannot be stepping in all the time to enforce laws on councils. We want a partnership. The result has been this bill, which has been drafted gently to set up some suggestions that councils must take into account but that leaves the decision up to them. The framework of the bill is a gentle suggestion through the planning guidelines for things a council must take account of, but then the council makes the call at a local level.

The Northern Beaches Council has a good record on some of these issues in other places. I commend what the council has done. For example, the Brookvale Arts District is one of the most exciting developments. It is a cluster in the industrial area of very good activity. In some ways, the Northern Beaches Council is leading the way, but councils sometimes need a hand too against single serial complainants threatening legal action and pressing them locally. In this instance, it seems difficult to explain why the venue cannot open its doors after 4.00 p.m. It should not be open late every night. That is not the position of the Government. The position of the Government is that the balance has been struck wrong in this example.

I highlight the principles as they apply across the State. The bill has been drafted in a way that will impact on few venues, and that is partly because we have to had to move very quickly to have an impact on this debate. If we get this right as we consult with councils and if we get good pragmatic guidelines, the Government is not opposed to coming back to the Parliament at the end of the year as we debate other changes. If members felt that was the time and that these guidelines look like they do not stack up, we could broaden them. That is not off the table, but it felt premature to race through that and impact a large number of areas. That is why the bill is so restrictive in its application.

In relation to the specific venue, the bill would not apply to the current application. I hope the council will resolve that under its own steam. However, it may apply to a future application by this or other venues, say, for example, if that application was not approved. To be clear again, the bill requires councils to take account of, and balance up, vibrancy principles but we leave councils with the decision to make those local calls, as should be the case. That has been fundamental to the approach that the Government has taken to date.

I seek leave to incorporate the rest of my second reading speech into *Hansard*.

Leave granted.

Purpose of the bill

The Government is pleased to introduce the Environmental Planning and Assessment Amendment (Vibrancy Reforms) Bill 2024 to this House.

This is a simple bill, with a clear purpose.

It is intended to ensure that councils and other consent authorities will consider vibrancy as an integral part of the merit assessment process for applications to extend trading hours.

We have recently seen that there are barriers in the planning system which are preventing some venues outside of centres from extending their trading hours.

This was highlighted by the decision of Northern Beaches Council in relation to The Joey restaurant's application to extend its hours of operation. The Joey is located more than 500 metres away from a home. However, the council refused the application on the basis of amenity impacts.

We have listened to the community, and we understand that decisions like this are not acceptable.

Encouraging venues to consider later operating hours is an important element of the recent vibrancy reforms.

This bill will go a long way in preventing similar decisions from being made in the future, by providing councils with clear guidance about the Government's vibrancy reforms and agenda.

This bill is not for one venue, but it has certainty been given impetus through one venue—the Barrenjoey Boatshed, or "The Joey".

Now, for those members who have not been to The Joey, it is a beautiful venue right on the water with stunning views and sunsets to match.

It is the kind of place where busloads of tourists would arrive every day. That could be to enjoy a meal, it could be to soak in the view or to experience a key filming location for Australia's iconic *Home and Away*.

But I would hesitate to recommend it to those members visiting for the first time for one reason.

Imagine the surprise of those very tourists, many from countries with thriving and vibrant cultural and night-time scenes, when having arrived and set up to enjoy a beautiful sunset on the water, they hear the bells for last drinks at 3.30 p.m.

And at 4.00 p.m. they are being ushered out the door by the intimidating bouncers of the northern beaches.

At 4.00 p.m.! That is what the existing DA allows.

I am being unfair, on Fridays and Saturdays, they can trade to 10.00 p.m., but only during daylight savings, because it is important for the DA to reflect latitudinal nuances.

So of course, The Joey applied on 20 December 2023 to the Northern Beaches Council to extend its operation hours to 7.00 a.m. to 11.00 p.m., Monday to Sunday. A good outcome you would expect.

But you would be wrong. The council refused the modification on the basis of amenity impacts—noise, for example.

To borrow a phrase from *Summer Bay's* most opinionated resident, Alf Stewart, "if brains were dynamite, you wouldn't have enough wax to blow out your ears".

The closest neighbour is 600 metres away and the overwhelming majority of submissions were in favour of the extension.

In fact, a nine-hole golf course separates The Joey from the nearest resident.

It begs the question: what is the definition of "a neighbour".

On this basis, perhaps we should also ask the opinion of the Barrenjoey Lighthouse keeper, who would be only marginally further away.

Truly, something had to be done.

And this Parliament has shown that it is willing to do it, having passed the comprehensive suite of vibrancy reforms in November last year, many of which have already had enormous impacts on the night-life around New South Wales.

As I said, this is a simple bill, with a clear purpose.

Operation of the bill and Vibrancy Guidelines

This bill will introduce special provisions to schedule 8 to the Environmental Planning and Assessment Act 1979.

The provisions will require a consent authority, when determining an application for extended hours of operation, to have regard to new "vibrancy guidelines", to enable venues to achieve their full social, business and cultural potential, particularly as part of the night-time economy.

The guidelines will be issued by the Planning Secretary, after consultation with the 24-Hour Economy Commissioner. They will provide for various matters to be considered in determining particular applications for extended trading hours.

It is important to note that the vibrancy guidelines will not override all other planning considerations, and they will not lead to applications being automatically approved or refused. The Government does not intend to undermine councils' important planning controls and local decision-making.

Councils will still be required to consider environmental and other impacts, as is appropriate. The bill specifies that the requirement to have regard to the guidelines is in addition to any other applicable requirement under the Environmental Planning and Assessment Act 1979, or another Act.

However, this bill will ensure that a vibrant night-life is a key part of that important process of balancing considerations when conducting a merit assessment. Failure to have regard to the guidelines in considering a relevant development application would be unlawful.

We want to remove barriers in the planning system which prevent venues from succeeding. However, it is critical that we do that in a way which does not override all other important considerations, including, for example, the impact of noise and light on the surrounding environment.

For that reason, applications will continue to be decided on a case-by-case basis.

The Vibrancy Guidelines

I will turn now to the vibrancy guidelines themselves.

The vibrancy guidelines, which will be developed following the passage of this bill, will address various factors, such as the consideration of the potential impacts of later trading, such as sound, light spill, safety and amenity.

As I mentioned, the vibrancy guidelines will be issued by the Planning Secretary, following consultation with the 24-Hour Economy Commissioner.

However, it is appropriate to signal some of the intentions the Government wishes to see reflected in these guidelines.

The guidelines will articulate those same principles that have driven the Government's and this Parliament's work on the vibrancy agenda thus far.

First, to recognise the benefits of hospitality and entertainment businesses that serve an important role in our communities. They employ people, they increase visitation and economic activity. They also add to the experience of residents and visitors by giving people spaces to come together, to have a good time, to connect over one of our most fundamental cultural expressions—food and drink.

And, second, to recognise that we should adopt a commonsense approach when balancing the various interests that collide during decisions about opening hours. For example, I think it is safe to say we all agree that a waterfront restaurant over half a kilometre away from the nearest resident should not be forced to shut at 4.00 p.m., turfing patrons from across the area out hours before sunset.

It is important those benefits are also considered alongside the important considerations in the existing merit assessment—noise, environmental impacts and others.

The development of these guidelines are also important because that language of benefits and how to consider them as part of a decision has not always been present. This bill, of course, does not force councils to consider them except in very narrow circumstances, those where concerns about noise are likely to be minimal. It is most likely to concern destination restaurants, golf clubs, beach clubs and rural and regional venues in less dense areas. However, the benefits of the guidelines may extend to others.

The case of The Joey has exposed the gap between how councils are working in populated areas of entertainment precincts and how they treat social infrastructure outside residential zones. Northern Beaches Council is an example of a council doing great work in parts of the electorate—take Brookvale Arts District for example—so these guidelines can assist by strengthening the certainty of approach for non-residential areas.

Consultation

I think it is also important to highlight that the development of the vibrancy guidelines is intended to be subject to detailed public consultation.

The Government intends to consult with councils, stakeholders within the hospitality industry, and the wider community. Consultation will be important to ensure there are no unintended consequences in how the vibrancy guidelines are framed and to ensure that the positive outcomes are maximised.

There will also be further consultation with the Office of Local Government NSW, Liquor and Gaming NSW, NSW Health and the NSW Police Force.

Consultation will surface what communities value most—importantly, the whole community, not just the closest neighbour.

Once finalised, the vibrancy guidelines will be issued by the Planning Secretary and published on a New South Wales government website.

The detail of the bill

I will turn now to the detail and scope of the bill.

The bill will insert a new part into schedule 8 of the Environmental Planning and Assessment Act 1979.

It will require consent authorities to have regard to the vibrancy guidelines in limited circumstances. Specifically, consent authorities will only need to consider the guidelines when assessing certain "extended hours of operation applications".

The bill defines an "extended hours of operation application" as:

> a development application that includes a proposal for extended hours of operation, or
>
> an application to modify a development consent to allow extended hours of operation.

The provisions will only apply to particular premises which are located in areas with low residential populations. Specifically, the vibrancy guidelines will apply where the premises that are the subject of the application are:

> not located within a special entertainment precinct, as defined in section 202 of the Local Government Act 1993 or within residential zones R1, R2, R3, R4 or R5; and
>
> situated on land which is 500 metres or more away from the nearest residential accommodation.

The bill does not extend to premises in residential zones to ensure that there are limited impacts on local residents.

The bill will commence on proclamation, after the vibrancy guidelines have been developed, consulted on, and issued by the Planning Secretary.

The Government's vibrancy agenda

The New South Wales Government is committed to resolving issues across the planning, liquor licensing and sounds complaint management systems to improve the vibrancy of our State and boost our night-time economy.

This bill is a small part of the Government's broader vibrancy reform agenda.

The 24-Hour Economy Commissioner Act 2023 and 24-Hour Economy Legislation Amendment (Vibrancy Reforms) Act 2023 passed Parliament on 30 November 2023 and received assent on 12 December 2023. The Acts have already resulted in a number of important reforms, including:

> the establishment of the 24-Hour Economy Commissioner role;
>
> new incentives for live music and performance venues;

standardisation of licensed premises hours of operation;

broadening the eligibility for licensing "special events";

strengthening harm minimisation measures in the Liquor Act 2007;

making permanent several measures introduced during COVID to boost flexibility for venues and patrons, including enabling restaurants and bars to sell small quantities of packaged liquor with takeaway meals; and

making permanent the ability for councils to temporarily approve outdoor dining and performance on unclassified roads and footpaths without seeking approval.

Other legislated reforms and policy initiatives will commence midyear. This includes the publication of guidance for special event road closures and global pre-approvals of public space, publication of special entertainment precinct guidelines, streamlined liquor licence consultation processes, and new entertainment sound complaint rules.

These reforms, which were introduced by the Minister for Music and the Night-time Economy, were sensible and balanced. They will allow our State to achieve a vibrant, safe and diverse night-time environment.

However, the recent decision in relation to The Joey's restaurant has highlighted the need for further reform for food and drink premises which are located outside late-night trading zones and cannot access extending trading through exempt pathways.

Sensible hours of operation for venues are critical to supporting the Government's vibrancy agenda, particularly for venues located outside of crowded residential areas.

This bill, and the vibrancy guidelines, which will be subsequently developed, are intended to encourage councils to make decisions which are consistent with the Government's vibrancy reforms and agenda, and to provide more certainty to venues and communities about trading hour decisions.

The bill is expected to benefit regional areas and rural zones by providing later dining options for the local community and tourists, as well as additional hours of employment for those employed in the hospitality industry.

Conclusion

This bill will further encourage a vibrant economy for the people of New South Wales, particularly at night.

We want to encourage venues to consider later trading hours. We also want to give councils clear guidance about the Government's vibrancy reforms and agenda, and to provide more certainty to venues and communities. This bill will achieve that.

I commend the bill to the House.

Second Reading Debate

The Hon. MARK LATHAM (15:46): I contribute to the debate on the Environmental Planning and Assessment Amendment (Vibrancy Reforms) Bill 2024. I congratulate the Minister on introducing the bill. It takes me back to some of the tutorials I had a long time ago on economics where there was no such thing as vibrancy. We studied staid old-fashioned concepts of GDP growth, productivity, capital account and current account. In some respects, the Hon. John Graham's emphasis on vibrancy is our answer to Adam Smith. He is rewriting the laws of economics. That is timely because after the COVID-19 lockdowns and the horrible period of inactivity, there is a public demand to get the economy back to something more vibrant and active, creating much-needed jobs.

I welcome this Adam Smith rewriting of economic laws to emphasise vibrancy. It might have been seen back in the day as a bit woolly and a bit vague, but we know what he is on about. We are not a wowser society and we should not be a wowser economy. It is a good thing for people to have a drink, have fun, mingle, interact, have conversation, and build community and social capital. A lot of that happens in informal settings of shopping centres, cafes, bars, music venues and so forth. Those are all good things, and, unfortunately, in today's politics there is an element of anti-fun that says, "If I do not like it, no-one else should." That is not how society works. I will not mention exactly where that comes from. If a person truly believes in diversity, people interact and have fun and seek entertainment in a variety of very diverse ways.

This instance at the Northern Beaches Council is one of those. It is absurd to think a complainant some 700 metres away on the other side of a golf course is holding back the development of a regional tourist attraction. I know people who are really rapt in this *Home and Away* show. I think I have watched one and a half episodes in the 30-odd years it has been on, but that is their thing. It is at Palm Beach. People like to go there and see where it has been shot. It is an attraction that Sydney should be proud of and should foster. To think one complainant so far away could hold that back is just ridiculous. The Minister is to be congratulated on taking on that particular problem, but I urge him to be much more ambitious about the vibrancy economy.

The public demand post-COVID is to spring back to higher, more enjoyable and sustainable levels of activity of all kinds in tourism and hospitality—not just at Palm Beach but right across New South Wales—with cafes, bars, music venues and clubs having opportunities to bring people together and for people to enjoy themselves, spend a few dollars, create jobs and add to economic growth. This is all good government agenda.

Perhaps the Minister is too timid, just focusing on this one particular issue, and we should have some carve-out in the legislation.

I would urge the Minister to be more ambitious and to step forward. I think that he is onto the public mood, which is to open up, put COVID well and truly behind us and get back to the good old-fashioned Australian habit of having a good time, spending a few dollars and enjoying yourself in a way that is productive and useful for the economy. I hope this is just the first stepping stone to a broader vibrancy agenda. Some good things happened under the former Government—they got rid of those wretched lockdown laws in the CBD and so forth—but we could go so much further. The reality is if you move into a mixed residential area, you are living in an apartment in the CBD, then there is going to be activity and a bit of noise. As long as people can get some decent sleep after midnight, nobody is facing the end of the world. That is just the reality.

The great Jane Jacobs in her book about cities pointed out that good cities have got this activity and this mix of the commercial and residential. Vibrant cities have people. You cannot have all of this in a ghost town. It has got to be the vibrancy of people interacting and enjoying themselves in an open and free way, and in a sensible and responsible way. All of that is possible. In mixed residential areas it is not the end of the world that there is a bit of noise and activity. I know the Minister is keen on the music economy, and that is a good thing. But let us be more ambitious and use this as a stepping stone to something better. I condemn the Northern Beaches Council. The Minister issued a bit of praise. I do not think the record is so good up there. It sounds like a bit of a nimbys-ville.

The Hon. Chris Rath: Shame!

The Hon. MARK LATHAM: That's right. I acknowledge the anti-nimby MLC, the Hon. Chris Rath. He is our champion in this regard inside the Liberal Party, which has the odd wowser around. But not him, of course. He is too young and active himself. The Northern Beaches Council has not been fantastic. They have made some mistakes in different areas. The fact that they would hold back what really is a regional tourism attraction—a spin-off from the television show, which has been quite successful—seems a silly thing to happen. The Premier and the Minister have got onto it. I hope they take it much further in the future.

Ms CATE FAEHRMANN (15:52): On behalf of The Greens, as our music and night-time economy spokesperson, I contribute to debate on the Environmental Planning and Assessment Amendment (Vibrancy Reforms) Bill 2024. The Greens have strong reservations about the bill, including the way it has come to this place and the need for it. The Government says that this is a simple bill with a clear purpose to make sure councils and other consent authorities consider the Government's vibrancy agenda as an integral part of the merit assessment process for applications to extend trading hours. Let us be clear from the start that The Greens have always supported a vibrant, healthy music and night-time economy and night-life scene in New South Wales. I remind Minister Graham and members that The Greens were the only party to oppose the outrageous kneejerk lockout laws introduced in 2014 that absolutely obliterated Sydney's night-time economy.

Our hesitation to support the bill is not due to a lack of support for vibrancy or for what I hope is a much more substantive, considered vibrancy reform package that comes to this place down the track. In fact, it could not come soon enough. But it is how the bill has come about. It is what is not being said in terms of this legislation that is so concerning. I note that my colleague Ms Sue Higginson, who is our planning spokesperson, will contribute to the debate from a planning perspective. The bill is symbolic and representative of the Minns Government and how it does legislation and bring bills to this place. It always seems to be a kneejerk reaction to something that has hit the Telegraph or 2GB or the outrage that is expressed by the right-wing shock jocks. Two weeks later we have a bill coming from the Minns Government to deal with whatever it is that Ben Fordham is upset about. That is what the bill is.

The bill proposes amendments to the Environmental Planning and Assessment Act 1979 by inserting a new part into schedule 8; Ms Sue Higginson will talk about that. The Government has been very clear that this bill has been brought about because of the Northern Beaches Council's rejection of an application by the new lessees of The Joey restaurant at Palm Beach. There has been a lot of media around this issue—media reports disparagingly talking about there being only seven people who objected to the application for later trading hours and 132 people who supported it. To be honest, there has been a fair bit of disinformation and sensationalist reporting. I have heard that the lessees who are at The Joey now have hired a public relations company to help them with this—and, gee, didn't they get some good media about that!

So here is some information that has been provided to councillors on the Northern Beaches Council about exactly what did happen with that development application. It went to the Northern Beaches Council Development Determination Panel [DDP] on 13 March 2024. The history of this is important. Development consent was originally granted to a development application on 15 December 2021 for demolition works and construction of a new restaurant, car parking and associated uses. Obviously, conditions were set out for that. Condition 96 set

the trading hours of the restaurant. The condition was that outside of daylight savings, the trading hours are Monday to Saturday, 7.00 a.m. to 4.00 p.m., and Sundays and public holidays it is 7.00 a.m. to 4.00 p.m. Under that condition, the trading hours during daylight savings are Monday to Thursday, 7.00 a.m. to 4.00 p.m.; Friday and Saturday, 7.00 a.m. to 10.00 p.m.; and Sundays, 7.00 a.m. to 4.00 p.m.

There was then the recent application to extend trading hours. On 20 December 2023 the council received the application to extend the trading hours so that the restaurant could operate year round from Monday to Sunday from 7.00 a.m. to 11.00 p.m. It is relevant to note that the application was lodged as a section 4.55 (1A) application. The critical test for a section 4.55 (1A) application is that the modification must have minimal environmental impact. In cases where the impact is not minimal, applications should be lodged as a section 4.55 (2) application.

The Hon. Wes Fang: Of course!

Ms CATE FAEHRMANN: The application was publicly exhibited and 139 submissions were received. I acknowledge the interjection of the Hon. Wes Fang, Mr Planning Expert, in the corner. He has no idea.

The DEPUTY PRESIDENT (Ms Abigail Boyd): Order!

The Hon. Wes Fang: How could they have mixed them up? Let's close down business, shall we?

Ms CATE FAEHRMANN: Who cares how you lodge it?

The DEPUTY PRESIDENT (Ms Abigail Boyd): Order! The member will resume her seat. When I say "Order!" from this chair, the Hon. Wes Fang will be quiet. Ms Cate Faehrmann has the call.

Ms CATE FAEHRMANN: Really, who cares how all the applications are lodged under the planning system? Who needs the planning laws, whether it is this section or that section? No, it actually really does matter. At the moment, these are what the laws are. They lodged it incorrectly; that has not been reported in the media. The critical test, as I said, is that it must have minimal environmental impact. In cases where the impact is not minimal, applications should be lodged as a section 4.55 (2) application.

The application was publicly exhibited and 139 submissions were received, 132 in support and seven in objection, during the exhibition period. However—and this has not been reported in the media—upon the publication of the agenda of the DDP, approximately 50 submissions objecting to the application were received. So what has been reported is that there were seven, but there were approximately 50 additional objecting submissions. The application was assessed by an independent planner, as the development application [DA] is a council-related application, and a report recommending approval of the application was considered by the panel on 13 March 2024.

After considering all of the evidence before it, the panel ultimately decided to refuse. The panel has to refer to the Crown Land Management Act because it is on Crown land that council manages. The decision also shed light on another aspect of the application made as the venue was getting ready to open: how quiet it is when you conduct an acoustic test, in part, during a COVID lockdown. Reasons for refusal were stated. These were not reported on, except in the *Pittwater Online News* and in the development application. The first reason for refusal stated:

> Pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, the proposed development is not of minimal environmental impact.
>
> Particulars:
>
> The increase in operating hours and the inevitable increase in functions, noise, traffic and other amenity issues resulting from these extended hours does not meet the requirement to be of minimal environmental impact.

Up until very recently their website was advertising wedding functions for 250 people. That is not the clinking of glasses and the cup of tea on the balcony at five o'clock that the Minister has talked about. The second reason the application was rejected stated:

> Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest.
>
> Particulars:
>
> The proposed increase in operating hours is likely to result in unreasonable amenity impacts to nearby residential properties.

The third reason, very importantly, stated:

> Pursuant to Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979, the proposed development has not provided sufficient information.
>
> Particulars:

> No acoustic testing has been undertaken during functions since the recent re-opening of the venue. The testing in the Acoustic report submitted with the application occurred, in part, during Covid lockdowns.

It seems the media has reported one thing, obviously very much in favour of the applicant. It is good to put everything on the table and state what the determination panel had before it when it considered the application. The *Pittwater Online News* has provided a very comprehensive assessment of the history of this place, stating the fact that it is Crown land and the reasons for the refusal. I understand that the lessees are meeting again, reviewing the application. This is an ongoing situation. There has also been an application by the Northern Beaches Council for an Urban Night Sky Place project at Barrenjoey Headland. It has submitted its application to DarkSky International. The council has put $50,000 towards the project. If the application is successful, this will likely be the first urban night sky place in Australia in terms of light pollution, again making sure that all of those impacts are taken into consideration. That is also important to put on the record.

People are saying that it is opposite a golf course, 600 metres away from nearby houses. This is one of the concerns I have with the way in which the bill has been brought before us—the broad application of these vibrancy guidelines to any place that is more than 600 metres away from housing, not in any of the residential zones. It is unclear why we would need statewide vibrancy guidelines for places that are more remote, that are in quieter places, that are potentially in conservation areas. That is reasonably significant. Not every part of the State in every venue needs to be pumping until midnight. I love places that pump until 5.00 a.m.; don't get me wrong. I wish there were more of them. I really do. I love them. But I do not go to Barrenjoey Headland to do that. I do not go to places that are not in the city to do that.

The Hon. John Graham: It's closed.

Ms CATE FAEHRMANN: If it was open, I probably would not do it anyway. The Barrenjoey Headland park extends across the tombola, a sandspit connecting Barrenjoey Headland with the mainland. It is directly opposite Ku-ring-gai Chase National Park. Barrenjoey Headland, which is also part of the national park, is a five- to 10-minute walk from the boathouse, The Joey. Most of the park, which is where Barrenjoey's is, is a Crown reserve managed by Northern Beaches Council. It is classified as natural area bushland, with all the beaches classified as natural area foreshore. The natural area bushland is covered in thick vegetation. It has a permanent seal colony established on the headland. A short distance across the water on Scotland Island is a little penguin colony. The penguins swim around Pittwater and come ashore on the beach.

Governor Phillip Park itself is full of wildlife. Turtles come ashore and until recently little terns have roosted on the ocean beach side. Again, these are taken into consideration. The council knows this, assesses it and says to the blokes at The Joey who put this application in, "What are you doing? You put it in under the wrong section, you guys, because it does not have minimal environmental impact." We can all be very sympathetic about councils and decisions that are made that are shutting down venues, shutting down industries. But that is not what is going on with this application.

I also express some concern around the fact that we have no idea what the vibrancy guidelines will contain. Everything is subject to this set of vibrancy guidelines. Councils and consent authorities will have to consider a set of vibrancy guidelines. We know that the change would only apply to food and drink premises situated on land which is 500 metres or more away from residential property and not in one of those residential zones. If we look at the Minister's second reading speech and what he says is going to be put in the vibrancy guidelines, he said:

> The vibrancy guidelines … will address various factors, such as the consideration of the potential impacts of later trading—

fair enough—

> such as sound, light spill, safety and amenity.

I do not think it is up to vibrancy guidelines to define parameters or guide councils around the impact of light spill. I would fear that vibrancy guidelines around light spill, for example, would not urge councils to be careful and think about light in a way that, for example, Northern Beaches Council has in applying for its Urban Night Sky Place project. Again, if it goes ahead, it will be the first urban night sky place in Australia, out of the Barrenjoey Headland. The council has invested $50,000. I also put on the record—and, again, this has been reported in *Pittwater Online News*—that in the Government's media release issued about the vibrancy guidelines on 7 May with the heading "Striking a better balance on later trading applications", Minister John Graham said:

> The recent example of Northern Beaches Council turning down The Joey at Palm Beach from extending its hours based on concerns from residents over 500m away—and separated by a 9-hole golf course—brought this issue into sharp focus.

On that same date—7 May—in the Land and Environment Court lists that were available from Friday 3 May, it had listed *Barrenjoey Boatshed Pty Ltd v Northern Beaches Council* at 9.00 a.m. On the same day that Barrenjoey Boatshed was listed in the Land and Environment Court against Northern Beaches Council, the Minister for Planning and Public Spaces in the other place, Paul Scully, repeated the exact same statement at 6.08 p.m. during

his second reading speech on the Environmental Planning and Assessment Amendment (Vibrancy Reforms) Bill 2024, which had been introduced into the Parliament minutes before. There was no mention in the 7 May media release or in the second reading speech that the case was listed in the courts on the very same day.

I understand that *Pittwater Online News* contacted Minister Graham's office on Tuesday 8 May to see whether the Minister was aware that the venue was involved in a matter listed in the courts. The case appeared on Friday 4 May on the Land and Environment Court's website list, but then completely disappeared. It must have been withdrawn from the New South Wales court and tribunal list. That is a good thing. It would not have been good if it remained listed because members of Parliament, especially Ministers, need to be careful to avoid looking like they are attempting to influence an outcome in the courts. But it is interesting that the matter was listed. The guys at The Joey listed it and then, lo and behold, the Minister for Planning and Public Spaces and the Minister for Music and the Night-time Economy both spoke about it on the very same day.

The article in *Pittwater Online News* details a lot of the history on the matter and says that something smells a little bit off, and it does. It is absolutely extraordinary that we have, within schedule 8 of the Environmental Planning and Assessment Act, this being inserted to deal with the situation after it hit headlines. I wonder who knows who, to be honest. It seems like a bit of a favour for mates, which is another hallmark of the Minns Labor Government. There is the hallmark of responding to mates at 2GB and mates at News Corp—or maybe they aren't mates and they just wish they were mates—and then responding to mates in trouble with Northern Beaches Council. "Let's pop this thing into this Act. We'll deal with it. Before we bring the vibrancy reforms package in, we'll put this outrageous, extraordinary clause into the Act and restrict these new vibrancy guidelines to the very bizarre application of 500 metres away from any nearby residents." That is a big decision for quieter places, where perhaps council has a good reason to object to places staying open until 11.00 p.m. The locals are saying that the problem is not just dinner inside or drinks. There have already been reports of very late nights and drunken fights after a couple of the functions that have been held there.

The Greens, the only party to vote against the ridiculous lockout laws, support vibrancy and support considered changes to the Environmental Planning and Assessment Act and other laws to assist that vibrancy. However, we do not support what is clearly a bizarre bill brought before this place to assist mates to appease the right-wing media and try to trample all over councils and their ability to, quite rightly, look at some applications and determine, "No, come back and give us the information we need." Remember, The Joey did not get its application right but was held up in the media as a poor restaurant that had been done over badly. It stuffed up its application and the council is working with it to review it. I do not know why this Parliament needs to do that. Council is working with The Joey to review the application, and maybe it will be able to operate for the extended hours.

Dunes, a restaurant close to The Joey, opens a couple of nights a week and only during the day for the rest of the week. That is a good compromise. Maybe that is what the Parliament needs to do. Neither the Opposition nor the Government wants to look like the party that is shutting down everything in Sydney, which is what they joined forces to achieve back in 2012 or whenever it was. It seems like a lifetime ago. At some point, we have to stand up for good laws and good process. That is what we are doing. The Opposition should look at the bill before us today and realise how outrageous it is. It is a completely ridiculous bill that responds to sensationalist rubbish in the media. I hope that the bill does not pass. It is a very sorry day if it does.

The Hon. CHRIS RATH (16:16): I contribute to debate on the Environmental Planning and Assessment Amendment (Vibrancy Reforms) Bill 2024. I am always happy to stand up in the Chamber to smash the nanny State and take the nimbys head on. I thank the Hon. John Graham and the Minister in the other place for bringing these important reforms before the Parliament today. These reforms build on the work that they have already been doing in the previous iteration of the vibrancy laws, which is important for hospitality venues and for live music. We are all on a unity ticket on this one, except for The Greens.

Revitalising our hospitality sector, much of which is made up of small businesses that rely on every minute of their trading hours to break even, is of utmost importance. That is why I am baffled that local councils are more obsessed with being the fun police than actually supporting their local businesses and providing their residents with greater hospitality options. We are currently experiencing a situation where a small, unrepresentative group with the loudest voice has the largest say, which is ironic given that that voice is trying to keep noise to a minimum.

The issue is perfectly encapsulated by the decision of the Northern Beaches Council in December last year to refuse The Joey's trading hours being extended to the window of 7.00 a.m. to 11.00 p.m. If we were to plot on a bell curve the breadth of opening hours for every restaurant or bar in Sydney, 7.00 a.m. to 11.00 p.m. would be on the conservative side of trading hours. Think about how many bars in Sydney are open well into the morning. What was the impetus for that decision? It was community consultation, which sounds like a good idea at first until we realise that, out of the 132 submissions to council on the extended trading hours, only seven were against them. Those are seven members of the nimby fun police. What a bunch of anaemic, puritanical whingers they are.

How dare a council give in to the whining of a minute few over a location like The Joey, which has been there for decades and is so far away from the nearest homes that it poses no real threat to noise. Even if it did pose a threat, there is a simple solution for residents: Do not move there in the first place. If the pub or restaurant was there first, nimbys have no right to shut them down because they are jealous of all the fun that patrons are having. It is not as if these business owners are being unreasonable. I note the words of Ben May, one of the founders of The Joey. He said:

> If we were a banging nightclub and really ruining people's lives, I would understand. We're just not. We just want to trade in the evenings like any other restaurant.

It is clear to me that the hospitality entities and the Government are not asking for much. The guidelines do not apply to residential zones, and the hospitality business in question must be located on land which is 500 metres or more away from the nearest residential premises. That is quite substantial. My understanding is that the nearest resident who put in a complaint was well and truly over 600 metres away. A nine-hole golf course is in between The Joey and where people actually live.

As the owner said, it is not like it is a banging nightclub. It is just people quietly having dinner at Palm Beach, far away from where residents are, with a golf course in between them. This is not Surry Hills, Darlinghurst or Newtown. This is the insular peninsula, as the locals like to call it. Of the 132 submissions, clearly the vast majority on the insular peninsula do not think it poses much of a threat. With these changes, perhaps the 5.3 per cent of residents who are separated from the restaurant by a golf course might be appropriately balanced against the hundreds in the community who are set to benefit from the restaurant's trade. This applies to the many cases of minority whingers overpowering timid councils by forcing consent authorities like councils to have regard to new vibrancy guidelines when assessing whether applications for extended hours of operation are a good change. If we do not address the root of the issue, we will never revitalise our public spaces.

I commend Minister Scully and Minister Graham for bringing this forward. It is incredibly important that we fix this. We do not want to be in a position in the future where seven people can shut down a business that just wants to trade. In terms of the absurd notion from Ms Cate Faehrmann—and I think that the Hon. Wes Fang had this absolutely right—it seems to be that the restaurant was rejected on the basis that the owners filled in the wrong form. They filled in the wrong form, seven whingeing nimbys complained and then those timid council bureaucrats decided to capitulate to seven nimbys. We absolutely should be on the side of small businesses and on the side of people who just want to eat out and just want to have fun, instead of constantly being subject to harsh regulations at a council level because councils are capitulating to the latest regulation.

In terms of the other absurd examples, we heard from the previous speaker, Ms Cate Faehrmann, about turtles, seals and the national park. I do not know how somebody having some calamari and a glass of wine at The Joey on a Friday night somehow endangers seals or turtles or somehow that the national park is under threat because we have decided to have some salt and pepper squid. I just do not see it. It shows that The Greens are well and truly the nimby party. To all of the gen Z and millennial voters who are tempted to vote for The Greens, I suggest that they listen to what they say in this Chamber on things like this. They do not want you to have fun or to go out for dinner or to have a few drinks. They are on the side of the turtles and the seals that apparently will be impacted by people having a glass of wine at The Joey on a Friday night.

I also pay tribute to the member for Pittwater, Rory Amon, who has been absolutely right on this. He has been standing up for local small businesses that just want their trading hours extended. Rory and I have some differences. I am probably the most yimby member of Parliament; he is probably the most nimby. But we are on the same side on this issue. We believe that we should not let the fun police ruin a good night out. It is not much of a night out if venues close at 11.00 p.m. I do not know about other members in this Chamber, but I would say that a good night goes well and truly beyond 11.00 p.m. Maybe after they finish their salt and pepper squid and their glass of sauvignon blanc at The Joey, members of the community in the insular peninsula will have to get a bus into the city or down to Manly to continue with their fun night out. We hear a lot about what younger voters in New South Wales want, which I think is a great thing. I urge them to listen to the speeches from The Greens, who in their puritanical, whingeing way think that venues like The Joey should be shut down because they got their form wrong or seven whingeing nimbys decided to put in a complaint.

I make one other point about the pure arithmetic of it as well. Sometimes there are council applications where seven people object, but only seven people had put in submissions. It is essentially at 100 per cent. That is not the case here. There were 132 submissions, of which seven people objected. While 5.3 per cent of submissions were opposed to The Joey, 94.7 per cent were in favour. I am sure that no-one would have any trouble answering what is quite frankly a year 1 level problem of which is greater, 5.3 per cent or 94.7 per cent. The vast majority of the community, the 94.7 per cent, are on board with The Joey and against the faceless bureaucrats and commissars at the Northern Beaches council.

We have heard a lot from The Greens about democracy in council. They want de-amalgamation of councils, and they want councils to have local people in councils to have more of a say. What about the 94.7 per cent of people who want The Joey's operating hours for trade to be extended? Why do we not side with them if we believe so much in democracy? Why are we only listening to the seven people, the 5.3 per cent, who put in a submission to try to shut the venue down? Maybe it is because they hate free enterprise; maybe they hate small business. I stand with the members of the insular peninsula who want the trading hours extended for The Joey. They have it absolutely right; The Greens have it absolutely wrong. We stand on the side of small business, on both sides—just not The Greens. We stand on the side of small business. We stand on the side of people who want to have fun, who want to have a good night out and who want to go out for dinner. We do not stand on the side of puritanical whingers who want to shut down restaurants and bars. We definitely do not stand with them.

Ms SUE HIGGINSON (16:27): I naturally associate myself with everything that my colleague Ms Cate Faehrmann spoke about on the Environmental Planning and Assessment Amendment (Vibrancy Reforms) Bill 2024. I will raise the way that these provisions are being inserted into the Environmental Planning and Assessment Act. I ask all members to take a deep look at where we are putting them, how we are doing it, the mechanisms that we are enlivening and the exercise of lawmaking that we are undertaking. It is relevant to note that the particular part of the Environmental Planning and Assessment Act that we are enlivening, this whole new merits-based consideration guideline, is in schedule 8 to the bill, which is referred to as "special" provisions.

It is normally the place where governments go to do their environmental planning and assessment dirty work. It is where the former Government put in provisions to extend the life of the Springvale coalmine after the Court of Appeal ruled that its approval was completely invalid and of no effect because the government of the day, or the determining authority, did not apply the laws of the State in relation to important environmental matters and considerations, particularly the quality of the drinking water for Sydney residents. The NSW Court of Appeal invalidated the Government's determination, but then of course the Government saw fit to use the special provisions schedule to the Environmental Planning and Assessment Act, which tends to be where things are fixed up to influence the way decision-makers make decisions under the Act. The Government needs to question whether the Environmental Planning and Assessment Act is the right place to implement these provisions.

We just heard the Hon. Chris Rath, on behalf of the Opposition, slagging off anybody who wants to talk about realistic and important matters of merit considerations when making decisions under the planning law. He gave a populist and incredibly divisive, reckless and irresponsible account of what the Government is trying to do through the bill. He also accused other members of nimbyism—or whatever the heck it is—apparently just because he wants to sip chardonnay and eat calamari. It was quite a bizarre way—

[*Opposition members interjected.*]

Point of order: I am trying to speak but I cannot hear myself over all the interjections.

The DEPUTY PRESIDENT (The Hon. Rod Roberts): Order! I will not call members to order because members from all parties have been interjecting. Members will remain silent.

Ms SUE HIGGINSON: He made reckless, inflammatory and populist arguments about drinking wine and eating caviar or calamari—I am sorry, I do not know the difference—in a cost-of-living crisis as if that is what responsible lawmaking looks like when we are debating the sustainability of the significant impacts on the environment, on people's lives and on small businesses. It is typical of reckless members of this House. The Government needs to take note of the way these provisions are being inserted into the planning law. As the objects of the Environmental Planning and Assessment Act dictate to decision-makers, the bill is not a sensible way to introduce guidelines that will impact the way decisions are made that relate to the orderly operation of environment and planning laws in the best economic, environmental and social interests of the State. For the Government to insert these guidelines through dirty little schedule 8 at the back of the Act and say that they will carry some sort of weight but not actually stipulate what that weight is and how they will be considered will not assist decision-makers.

I recognise and I understand the Minister's important comments. He is signalling loud and clear that the bill is not meant to be an exercise in dictating to councils and that the Government is taking a partnership approach with them. I genuinely appreciate that very important signalling, and I understand the Minister's intentions are very good, but is this the right mechanism to insert these provisions? I would argue that, in the circumstances, it is not and this is not the best way to do planning law. That said, if the bill passes, I may make some suggestions to amend schedule 8 of the Environmental Planning and Assessment Act, perhaps for greater protections for the environment or around how climate change is considered under the Act. The Government has perhaps opened a door here, and we will see where that leads more broadly in relation to merit-based decisions under the Act.

Of real concern is that the Government has not thought this through. Where do these guidelines come into the consideration of a determining authority proper? What is the weight of them and how will that happen? Will the guidelines be considered as a regulation—I do not know; there are amendments to be moved—or will they be considered under section 4.15 (1) (e) of the Environmental Planning and Assessment Act, which is a very contested space about what is in the public interest and how that is weighted? The bill is not a partner to determining authorities. It will create new problems that will end up in more litigation. I do not say that lightly but from experience, because that is where this kind of interference in planning legislation through these mechanisms leads.

The Greens are working on an amendment to the bill to be moved in Committee of the Whole. I say loud and clear that any amendment that we move in relation to section 4.15 (1) (e) would be of very important assistance to the Government if its intent is to be a genuine partner of decision-makers and determining authorities and not a confusing relative that is flexing its muscle but not signalling clearly enough about where consideration takes place and what the weight of the guidelines really is. It is also very important that the guidelines are not double weighted under the evaluation process. That may well be an unintended consequence of the bill as it is drafted today.

My colleague Ms Cate Faehrmann has made it clear, and she has said this in no uncertain terms, that The Greens have been the champions of vibrancy of the night-time economy. I know the Minister is aware of that. It is absolutely at the heart and soul of who we are and what we do, as shown by the work of Ms Cate Faehrmann over many years both in this place and outside of this place. At the same time, we are also the party of good, sound, expert laws and of getting the best merit-based assessments of decisions so that environmental, social and economic considerations are measured properly and Parliament is accountable for the way we make those decisions, not just for now but for future generations. I indicate that The Greens may move an amendment to the bill that relates to the consideration of the public interest under the Environmental Planning and Assessment Act.

The Hon. JEREMY BUCKINGHAM (16:37): I support the Environmental Planning and Assessment Amendment (Vibrancy Reforms) Bill 2024. The bill proposes to amend the Environmental Planning and Assessment Act to require a consent authority to consider vibrancy guidelines to be issued by the secretary of the Department of Planning, Housing and Infrastructure, following consultation with the 24-Hour Economy Commissioner. How good does that sound? We need more vibrancy in our society. For too long in our society small businesses and people trying create entertainment that lifts the tone, energy and vibrancy of our communities run into too much red tape. This is an impossible burden on people who want to start a club, a pub or a restaurant to create entertainment and, god forbid, a little bit of joy in our lives. But what do they run into? Miles and miles of red tape taking months and months and costing hundreds of thousands of dollars, and at the end a big fat no from a couple of objectors.

The Hon. John Ruddick: Preach it, brother.

The Hon. JEREMY BUCKINGHAM: That's right. We have seen that in The Joey proposal. Hundreds of people support it. It is going to be overwhelmingly successful. There are a few objectors and a scared council. What does it do? It goes weak at the knees and it folds. At last we have a government listening and prepared to act in the public interest and in the interests of creating a vibrant, energetic and interesting society. I have seen it writ large living in Enmore in the past year. I moved back to the city from Bellingen and have seen that special entertainment precinct literally come to life before my eyes. Many people said it would be a disaster, that there would be crime and alcohol-related violence, and that it would impact on the amenity of neighbours and so on. I live on Belmore Street behind 24 restaurants and they are absolutely pumping. The only night the street is not pumping is Monday night. On Tuesday, Wednesday, Thursday, Friday, Saturday and especially Sunday, members should go to Enmore. There are restaurants, clubs and pubs.

The Hon. Taylor Martin: Name them.

The Hon. JEREMY BUCKINGHAM: The Magpie on Enmore Road is fantastic.

The Hon. Chris Rath: The Stinking Bishops.

The Hon. JEREMY BUCKINGHAM: If the Hon. Chris Rath likes red wine and a smelly cheese, he should go to the Stinking Bishops. Those businesses have brought that community to life. People who live in that area accept that there will be a bit of an impact to amenity and a bit of late night noise. They can hear the bands pumping at the Duke—and a good thing too. People love the pubs full of people and loud rock and roll music. I am glad that the Government has introduced this bill, notwithstanding the sanctity and the mechanics of the Environmental Planning and Assessment Act. Members should not worry about that.

This is a great bill. It will apply to new development applications that include proposals for hours of operation that extend beyond 7.00 p.m. or modification applications to extend the hours of operation beyond

7.00 p.m. for certain premises. The vibrancy guidelines will apply where the premises that are the subject of the application are not located within a special entertainment precinct—such as Enmore—as defined in section 202 of the Local Government Act 1993 or within residential zones R1, R2, R3, R4 and R5, and are situated on land 500 metres or more away from the nearest residential premises.

It is great to see people putting their money on the line and investing in bringing that old property on the Northern Beaches back to life. It will be a spectacular success. The wowsers can get out of the way. They can listen to the music from their back porch and complain, or they can get down there and shake a leg with the rest of the people who are going to enjoy a cold beer, a view over the bay and the vibrancy. I commend the Minister for introducing the bill and resolving the issue. I wish the proponents of that development all the very best and anyone else in this State who wants to re-invigorate the city, which for too long has been moribund, especially the CBD. Let us see that re-invigorated soon as well. I commend the bill to the House.

The Hon. NATALIE WARD (16:43): I lead for the Coalition in debate on the Environmental Planning and Assessment Amendment (Vibrancy Reforms) Bill 2024 on behalf of the Hon. Scott Farlow. I commend his great management of this as the shadow Minister for Planning and Public Spaces. I also thank him for his excellent advocacy and work on the issue, as well as Will Olive and Sinclair Hill for their great guidance as always. If I was under oath, I would say I am not unfamiliar with the Palm Beach area, being a northern beaches resident. I am not often out that late.

The Hon. John Graham: At 4.00 p.m.

The Hon. NATALIE WARD: At 4.00 p.m. I may or may not be. It is one of the Opposition's priorities—and was when we were in government—to ensure the vibrancy of local business. I had the privilege of chairing the night-time economy inquiry with the now Minister and the Hon. Mark Latham. I never thought that a highlight of my political career would be hanging out in King's Cross with Mark Latham and the whole team, but it was. It was fantastic. I had a great time. But part of that mantra was to ensure that we got it right. It was our Government that put in place the night-time economy commissioner, Michael Rodrigues, and a whole lot of work was done collaboratively on that. I commend this Government for continuing the great work of the previous Government.

Ultimately, this is about supporting business and supporting the ability of business to get on and do what it does best: employ people and support the economy. Government, in our view, should get out of the way of that. I also thank and acknowledge the member for Pittwater, Rory Amon, who is a great advocate for his area. He is probably not unfamiliar with the particular locale that is the subject of this bill. While the Coalition supports the bill, I flag that we will be moving amendments during Committee of the Whole to enhance the accountability of the proposals to Parliament. We certainly agree with the concept and intention of the vibrancy reforms, but we do propose minor mechanical changes to the bill to ensure that this House, the house of review, can look at them and undertake our job, which is to hold the Government to account—even though we may have different views about that.

The Coalition believes in getting government out of the way and encourages businesses to fulfil their full potential. Businesses should not be tied up in more administration and overly restricted by onerous rules and regulations, which at worst harm their profitability and continued operation. The underlying weakness of the economy under Labor governments in New South Wales and Canberra is already tough enough for small business. The Federal budget proved that relief should not be expected anytime soon. Almost every input cost has been increasing substantially, along with the pain of persistently high inflation.

That is a tragedy and it is certainly hurting businesses right now. The Coalition will always stand up for small businesses to expand their operations and enhance their economic viability because they play such a vital part in employing local people in communities in this State. The Joey in Palm Beach is a critical tourist attraction and beloved local attraction that most people said they wanted to stay open. Later operating hours is a helpful tool for businesses to consider. Businesses such as The Joey should not be facing closure due to bureaucratic meddling.

The DEPUTY PRESIDENT (The Hon. Rod Roberts): Order! Members should keep the noise down. I am having trouble hearing the member speaking.

The Hon. NATALIE WARD: The Coalition wants people to enjoy nights out with their family and friends. An environment must exist where vibrant venues in local communities are supported so that they can do what they do best and so that communities can enjoy each other's company. We have heard from members about calamari and music. All those should be encouraged and enjoyed together with later operating hours. That is particularly important in communities such as Palm Beach, because we want to encourage local businesses. People should not have to travel into the city to enjoy a vibrant night out. Often people living in the suburbs decide not to go out at all when the city is seen as the only option.

I can say that, on the northern beaches, the insular peninsula is very proud of our Spit Bridge. When it opens up, we sometimes wish it would not go back down again to let others in. We want to see people enjoying their local area and not have to travel long distances. Young people often bemoan the cost of a $100 Uber to get home from the city on a Friday or Saturday night. I know from regularly paying my daughter's Uber bills what that costs. It would be of great benefit to the night-life in Sydney to have more venues operational at a later hour closer to where people live. The Coalition has been working on a number of such issues in consultation with the entertainment and music industry to ensure a strong and vibrant night-time economy across New South Wales.

I acknowledge the work of Kevin Anderson, the shadow Minister for Gaming and Racing, and shadow Minister for the Arts and Heritage; the passion that he has shown on this issue; and his advocacy as the former Minister. During the Legislative Assembly debate, several members spoke about efforts in their local communities to encourage greater night-life. The great party animal and member for Kellyville, Ray Williams, spoke about the impact of decisions by Labor governments in the past, namely the introduction of poker machines to local pubs and clubs, which severely hurt live music and night-life in general. While in government we appointed the first 24-Hour Economy Commissioner and pushed for the expansion of its important role in the Parliament when dealing with the 24-Hour Economy Legislation Amendment (Vibrancy Reforms) Bill 2023 and the 24-Hour Economy Commissioner Bill 2023. Turning to the detail of the bill, the purpose of the bill is to:

> … provide for the issuing of vibrancy guidelines, and the making of decisions about extended hours of operation for particular food and drink premises consistent with the guidelines.

The Minister outlined in his second reading speech how those guidelines will favour later hours of operation. A consent authority, typically a council, must have regard to the new vibrancy guidelines when assessing applications for extended hours of operation for food and drink premises, which is beyond 7.00 p.m. on any night of the week. As a result of this legislation, consent authorities must consider the vibrancy guidelines as part of the usual merit assessment process. We welcome that the vibrancy framework still allows for legitimate concerns to be raised and dealt with appropriately. The vibrancy guidelines must be considered for both new and modification applications; development applications for new food and drink premises will still be considered on a case-by-case basis. Food and drink premises are restaurants, cafes, takeaway food and drink shops, pubs and small bars.

The vibrancy guidelines will apply where the premises that are the subject of the application are not located within a special entertainment precinct or within residential zones and situated on land that is 500 metres or more away from the nearest residential premises. The latter two provisions are important to ensure that residential areas are protected from excessive noise at a late hour of the night. This legislation presents a sensible pathway for businesses to trade for longer while not creating noise and other related issues for local residents living near a venue. A 500-metre distance is more than appropriate and will mitigate against almost all reasonable concerns. It is no secret that night-life in Sydney has faced significant difficulty over the past decade, particularly during the COVID pandemic. We are committed to working collaboratively with the industry and community to ensure a vibrant, safe and enjoyable night-time environment.

The Coalition welcomes the legislation to enhance the viability of small hospitality businesses to ensure more options for people to enjoy the night-life in our State. We believe that our amendments will strengthen the accountability of the vibrancy reforms to this Parliament. I will speak to the amendments specifically in Committee of the Whole, but those amendments will ensure that the Government is accountable to this House as a house of review. The Government should not shy away from that at any opportunity. We are very keen to see that. We welcome support for our amendments, but I will address that in the Committee stage. The Opposition supports the bill subject to amendments.

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (16:52): On behalf of the Hon. Penny Sharpe: In reply: I thank members for their contributions to debate on the Environmental Planning and Assessment Amendment (Vibrancy Reforms) Bill 2024. Once again, it has been a good debate. These are complex issues because so many overlapping layers of regulation are never easy to sift through. I thank members for what was a really informed debate on this important matter. I will make a couple of observations before we move into the Committee stage to deal with the amendments to the bill. Firstly, I directly address the suggestion that was made—most members were comfortable with this—that this change is just about one venue. That is absolutely not the case. This is across New South Wales.

Of course, the change was animated by that example, as it should be. That real breach of common sense should be of concern to us as we look at driving the Parliament's intention, which, as was articulated by all members, is to lift the potential of the State and the city. I also specifically address the suggestion that was made by one member that this is some mate's deal. The Premier and I do not know this venue, but the principles are offensive. If the member has any evidence to the contrary, she should put it forward. It would be concerning if some arrangement was made with a specific venue. That was not the case. That matter is very important because

it goes to public confidence. This is a real, live issue that we should be concerned about. That is why the Government wants to send this rapid, immediate signal, but with a very gentle intervention, so that councils know where the Government and the Parliament stands.

Ms Sue Higginson and Ms Cate Faehrmann raised some concerns about the planning law, which I will specifically address. Those concerns about how the law impacts the environment are important. I will address them in detail because they are sensible concerns. The Government does not agree with them. In relation to the planning issue specifically, the purpose of the bill is to support consent authorities making decisions and supporting venues where they have acceptable impacts and are in the public interest to encourage vibrant and lively venues and localities. The proposed amendment to specifically exclude vibrancy guidelines from the public interest matter of consideration from section 4.15 (1) of the Act will not achieve the intended outcome of excluding or elevating public support for a proposed application above all other matters such as environmental impact because that section requires the consent authority to consider all matters and make a balanced and reasonable decision.

In addition, the idea that we might explicitly exclude the vibrancy guidelines from the public interest is the exact opposite of what the Government is trying to do. It is trying to send a message about what the public interest is. I am glad The Greens members raised those concerns. They are entitled to raise them further in the Committee stage, as I am sure they will. Ms Cate Faehrmann asked a sensible question about why this might apply only in remote places—not in residential areas—that are more than 500 meters away from residential premises in the first instance. I tried to address that in my second reading speech. We are doing this gently. We do not want this reform to apply to lot of venues in the first instance. We do not want to alarm councils across the State. But it is a clear signal. If we get these planning guidelines up and, consulting with councils, they are common sense, the Government is open to broadening their application. Such was the call from the Hon. Mark Latham.

While we are open to that, we are not going to do it expeditiously. We need time to talk to councils to do that. That was a sensible question, but that is why the Government is taking this approach. I will raise some of the other concerns and address them. I will deal with the Opposition's issues. I recognise the role the Hon. Natalie Ward has played in addressing some of these night-time economy issues, particularly as Chair of the Joint Select Committee on Sydney's Night Time Economy. While I welcome the Opposition's support for the bill, it would not have supported such an amendment to legislation when in government. It would not have supported a planning guideline being in regulation when it was in government. The Government will oppose that aspect of the Opposition's amendment. The planning department does not support that measure, and it would effectively kill the bill if the amendment is supported.

The Hon. Natalie Ward: Point of order: I do not wish to quibble because I want to get through this as quickly as possible, but it is not for the Minister to inform this Chamber about how the Opposition would form a view when in government or in opposition. I ask him to withdraw that part of his statement. It is fine for him to talk about what he is doing or what we have done in practice, but it is not for him to speculate in this Chamber what view we would take or how we would approach these matters. He cannot say what we would have done. It is inappropriate.

The Hon. JOHN GRAHAM: That is a sensible observation. I withdraw that statement. In 12 years the former Government never took that approach. The Opposition's position is that the Government should get out of the way, but then its amendment introduces more regulation. That is totally back to front. That is why the Government will be opposing that matter. I turn now to a couple of suggestions about the individual case that was discussed. We should be cautious about getting too tangled up in the individual case because members do not know all the details. The Parliament may not be aware of them all. But given that some specifics were placed on record, I address a couple that are important to the vote on the bill now that they have been raised. The first of those specifics is that this venue used the wrong form when it made its application. When the Premier and I sat down with the owners of the venue to ask about what was going on, they put the simple view that they were told to use that form by the council. Now they are told it is the wrong form, but they used the form they were told to use.

Ms Sue Higginson read out the competing forms. I will not go into detail about which section the applicants should have used, but members can understand why members of the public or venues are confused when they are told to use a certain form and then told later it is the wrong form. It is exactly the sort of planning confusion—mixed messages and changing stories—that ordinary people struggle to keep track of. That is the problem we have created in this State. That is one of the reasons why the council may now be able to sort this out, but it is exactly the problem that we seek to address here.

Secondly, it has been raised that sound will still be an issue here, even though it is conceded the venue is a long way away from residences. I simply say these three things in relation to the existing venue. I reiterate that it is more than 600 metres away from the nearest single neighbour who is raising some of these issues. There is a

golf course between them, nine holes of golf between this venue and the neighbour. The lighthouse is closer than the nearest neighbour. We did not have to ask the lighthouse keeper what they thought about this. That is how far away this venue is. It is not impeding the safe operation of the lighthouse, nor will it impede the safe operation of the neighbourhood.

Thirdly, one of the views put to the Government—again, I am happy to be contradicted on this; we should venture cautiously into the facts—is that the council actually operates a venue in between this venue and the neighbour, which operates at night. We cannot have one rule for a council and another rule for this venue that causes it to close its doors—and that is what is happening. The reputational damage to the State should be of concern to members, as bus loads of tourists hoping to catch a glimpse of *Home and Away* are turned away at 4.00 p.m. while the sun sets over Palm Beach.

The idea we that are closed for business at 4.00 p.m. is what has animated the Government on this issue. I reiterate the principles: We do want vibrancy. We do want to tackle the sound and noises issues that are closing venues, but in this case it is in the council's hands. We do believe the public should have access to public places. These are beautiful parts of our State. It should not be out of line to get a coffee at 4.15 p.m. or a drink at 5.00 p.m. as the sun sets over Palm Beach, but we want to deal with it in a pro-council way. That is the approach the Government seeks to take here. I thank the members for their consideration.

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

Motion agreed to.

In Committee

The CHAIR (The Hon. Rod Roberts): There being no objection, the Committee will deal with the bill as a whole. I have before me three sheets of amendments: Opposition amendments on sheet c2024-059A, The Greens amendment on sheet c2024-064A and the Libertarian Party amendment on sheet c2024-061B.

The Hon. NATALIE WARD (17:04): By leave: I move Opposition amendments Nos 1 to 4 on sheet c2024-059A in globo:

No. 1 **Vibrancy guidelines to be prepared by Minister not Planning Secretary**

Page 4, Schedule 1[2], line 2. Omit "Planning Secretary". Insert instead "Minister".

No. 2 **Minister to prepare vibrancy guidelines–amendment consequential on amendment No 1**

Page 4, Schedule 1[2], line 3. Omit "issue". Insert instead "prepare".

No. 3 **Vibrancy guidelines to be adopted by regulations**

Page 4, Schedule 1[2]. Insert after line 5—

(1A) The vibrancy guidelines are of no effect unless the vibrancy guidelines are—

(a) adopted by a regulation made for the purposes of this section, and

(b) made available on a NSW Government website used by the Department.

No. 4 **Vibrancy guidelines to be adopted by regulations–amendment consequential on amendment No 3**

Page 4, Schedule 1[2], line 7. Omit "the vibrancy guidelines". Insert "vibrancy guidelines, as adopted by the regulations".

These amendments propose minor mechanical changes. They do not change the intent of bill at all, only enhance accountability by doing two things. The Opposition has been clear about this. First, amendment No. 1 ensures that the Minister, instead of the planning secretary, prepares the guidelines. That is in accordance with ministerial responsibility and we on this side do not see it as onerous. We say it is important as part of this bill. Second, the amendments ensure that the vibrancy guidelines are adopted by regulation. In our view, it is not good practice to bring in a bill that seeks to hide certain aspects by guideline, an increasingly occurring practice that in our view is not to be encouraged.

I correct the allegation made by the Minister during his speech in reply that this is somehow creating more red tape. In fact, this is being accountable to this Parliament. The Legislative Council is the house of review. It is the job members were elected to do. The now Government was quite vigorous about doing so when Opposition members were in government, and we merely seek to do the same. Doing so by regulation ensures that this great legislation can be debated and, if needed, the regulations that arise from it can be further tested by the Parliament. It is our job and a longstanding principle of this oldest Parliament in Australia. I do not accept for a moment that the amendment creates more red tape; it is simply saying that the Minister is accountable.

I turn to the minor consequential drafting changes the bill makes to schedule 8 to the Act. The amendment states that the vibrancy guidelines will be issued by the planning secretary after consultation with the 24-Hour

Economy Commissioner. The Opposition thinks it is important to have his—or perhaps one day, her—input. This will occur after the passage of the legislation. The Opposition's amendments relate to this section of the legislation. The Coalition believes it is appropriate that the Minister, instead of the planning secretary, publishes the vibrancy guidelines, as the Minister is accountable to the Parliament. Those guidelines should be published. It should be clear what the Government and the Minister are doing.

The Coalition has growing concerns with this Government's abrogation of its duties through the utilisation of guidelines. Guidelines do not present the same level of scrutiny as regulations and are not subject to the same notification requirements. The Opposition is simply saying that we expect this Government will be accountable to members of the Legislative Council and allow us to do our job. If it is good legislation and regulation, it should stand that test. The Coalition would prefer the Government to be open and transparent with the public when undertaking such measures through the making of regulations.

The adoption of the vibrancy guidelines via regulations is a matter of principle as an accountability measure. It ensures there is greater transparency between the Government and the public, as such regulation will be made available on the NSW Government website, which is entirely appropriate. I understand that the preparation of a regulation adds a formal process to enact the vibrancy guidelines, but it is not overly onerous. It is something members do regularly in many bills, and the adoption of the guidelines is a routine process of government. The publishing of a regulation will simply replace the process to issue the guidelines.

The Government wants to provide certainty to the industry, which the Coalition agrees with and commends. But Coalition members do not see how the publishing of a regulation on a topic the Opposition supports will change the certainty provided to industry. If anything, it strengthens that certainty because it is formalised via regulation. It is very standard and nothing controversial. We otherwise support the bill. However, we just want to improve it and to assist the Minister in providing this vibrancy by being clear that he is accountable to the Parliament in doing so. I commend the amendments to the Committee.

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (17:09): The Government does not support the amendments. In fact, the Government says that they endanger the bill, which the Opposition is aware of. The planning Minister issues planning guidelines routinely and often. They are a key way to communicate about planning issues with councils, but they are not normally put into legislation in this way. The Government is using these guidelines to send a very public signal in the current circumstances. This creates much greater transparency and pays greater attention to planning guidelines.

The department opposes turning planning guidelines into regulations. The former Government did not routinely take this approach with the planning guidelines it issued. None of the previous Ministers did that in the past, and it is for those reasons that the Government opposes the amendments. The planning Minister will consult with councils, and that is why we are taking a cautious approach with limited intervention and observing how that evolves over time. The Government places on record its concerns about the amendments. The principle is important here—it is a contradiction to call for less government while adding more red tape.

Ms SUE HIGGINSON (17:09): The Greens strongly support the Opposition amendments. This is what The Greens have been talking about for as long as we have been in this place. Guidelines and really important considerations should not be put into wobbly instruments instead of the solid instruments that this State deserves to have. Lawmakers in this place ought to be delivering more solid laws to their communities, where they are more accountable. Presenting such important planning principles in disallowable instruments is 100 per cent an issue of accountability and democracy. There has been a lot of joking about nimbys stifling joy rather than having good times.

The Hon. Wes Fang: Caviar and chardonnay.

Ms SUE HIGGINSON: Yes, we even got as far as caviar and chardonnay and all of the other things that are so trendy now. We must remember that this is about so much more than that, and it is important. We all belong to vibrant communities and social groups that we love. We commend the Minister, the Government and all of the people who have served on the night-time economy committees for building this. It is wonderful. But that does not mean we have to throw out good lawmaking, good planning and good accountability principles. Guess what? We are so good that we can do it all and we can have it all! Instead of guidelines, why do we not go with regulations and make them proper instruments?

Whether we like our planning system or not, it does function. It has to do the work of navigating the tensions between our environment, our communities and our economy. It is a massive creature that, at the end of the day, is built as a system of instruments. The bill before the Committee is degrading the standard of those instruments, which in turn degrades the planning system and its functions. That does not help communities or

decision-makers. The Greens are in full support of the Opposition amendments that turn these guidelines into regulations and elevate their status to make them more accountable.

The Greens support the amendments regardless of whether the Opposition would have done this if it was in government, or if the Government would have suggested them if it was in opposition—all of that is irrelevant. Members should do the best that they can all together. The Minister for Music and the Night-time Economy said that just because the Opposition would not have done it if it was in government, the Government should not do it now. The Minister is in government, and we expect better. The amendments should be supported by all members.

The Hon. TAYLOR MARTIN (17:14): Given that we are now at the crux of the debate of guidelines versus regulations, I think that many would expect more transparency from the Government regarding these guidelines, and the earlier the better. I say to the Minister that any commitments on transparency would be greatly appreciated.

The Hon. NATALIE WARD (17:14): I place on record that it is disappointing that the Government's approach when Opposition and crossbench members put forward genuine amendments is to threaten that the entire bill will be pulled if they are successful. It is a matter for the Government to put forward and carry through bills that it believes in. The robust nature of this Chamber is that members put amendments forward and seek to improve legislation. This is merely accountability, and it is distasteful that improving the bill by adding accountability would be a reason for it to be pulled. Nonetheless, it is a matter for the Government, but I do not think that these practices should be encouraged. Robust debate and amendments strengthen legislation. That is what we were all elected to do. For all of the Government's lauding of the night-time economy and vibrancy, it would be a shame to see that as the outcome.

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (17:16): I thank members for their contributions that fleshed out the second reading debate. I note the contribution of the Hon. Taylor Martin, and I assure the Committee that the Government is sensitive to issues about transparency. The planning Minister will be up-front on this. In response to the issues that members have raised, including the Hon. Natalie Ward, the Government is happy to make the additional commitment that the Minister will publish the guidelines 14 days prior to their enactment. This will ensure that after consultation with councils, all councils will be able to publicly see exactly what has been going on prior to the enactment.

The Hon. NATALIE WARD (17:17): While the Opposition welcomes the transparency, these are nonetheless still guidelines and not regulations. The Opposition welcomes the publication of the guidelines. It was something we called for, but we still insist that regulation is the better way to demonstrate transparency.

The CHAIR (The Hon. Rod Roberts): The Hon. Natalie Ward has moved Opposition amendments Nos 1 to 4 on sheet c2024-059A. The question is that the amendments be agreed to.

The Committee divided.

Ayes 17
Noes 20
Majority.....3

AYES

Boyd	Franklin	Munro
Carter	Higginson	Rath (teller)
Cohn	Hurst	Taylor
Faehrmann	MacDonald	Tudehope
Fang (teller)	Merton	Ward
Farraway	Mitchell	

NOES

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

PAIRS

Farlow	Houssos
Maclaren-Jones	Mookhey

Amendments negatived.

Ms SUE HIGGINSON (17:25): I move The Greens amendment No. 1 on sheet c2024-064A:

No. 1 **Vibrancy guidelines**

Page 4, Schedule 1[2], line 14. Omit "application.". Insert instead—

application, and

(c) the vibrancy guidelines are not to be used for the purposes of considering the matter in section 4.15(1)(e) in determining a development application.

This is a very straightforward and simple amendment that adds clarification to the Government's bill and makes clear the scope and consideration of the vibrancy guidelines. The amendment seeks to exclude those guidelines as a consideration for the purposes of section 4.15 (1) (e), which is the public interest consideration under the planning law when a determining authority is evaluating the merits considerations of any development application or proposal. The amendment is very straightforward. The public interest as a head of consideration is a broad head and is undefined, but over decades and decades it has had the benefit of definition provided through the Land and Environment Court and other courts, particularly through public interest litigants working out what the public interest is in the courts.

As I outlined earlier, the way the Government is introducing the guidelines is not the best way to influence planning law. It is not the clearest way, and I have no doubt it will interfere with the way evaluations are undertaken by determining authorities. The amendment tries to assist that process when it happens, not just in Sydney or at Barrenjoey headland but across the State with decision-makers from all over New South Wales. The amendment makes clearer the planning exercise that will have to take place. The Government is now influencing that planning exercise through the guidelines. The amendment excludes that exercise as a matter of public interest, but only as it is laid out in section 4.15 (1) (e) of the Environmental Planning and Assessment Act.

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (17:28): This amendment comes from a good place. Ms Sue Higginson is a much better planning and environmental lawyer than I will ever be. However, the Government has taken advice from the agencies and will not support the amendment. The amendment is not in the public interest. It would send the wrong signal, even if this comes from the right place, to say that the public should arrive at Palm Beach at 3.45 in the afternoon and at 4.00 p.m. the doors of this venue swing close and they cannot get a coffee or have a drink as the sun sets over Palm Beach. These are beautiful places in our State and they belong to everybody. We cannot let single serial complainants close them down to the public. We are trying to send that signal, and to say it is not in the public interest would be the opposite of what the Government is trying to do.

The Hon. NATALIE WARD (17:29): We appreciate that Ms Sue Higginson is attempting to improve the bill, and is doing so genuinely, with an enormous amount of goodwill and good intent. However, reluctantly, the Coalition cannot support the amendment.

The CHAIR (The Hon. Rod Roberts): Ms Sue Higginson has moved The Greens amendment No. 1 on sheet c2024-064A. The question is that the amendment be agreed to.

Amendment negatived.

The Hon. JOHN RUDDICK (17:30): I move Libertarian Party amendment No. 1 on sheet c2024-061B:

No. 1 **Review by Minister of refusal of extended hours of operation**

Page 4, Schedule 1[2]. Insert after line 14—

Review of decisions about extended hours of operation

(1) This clause applies if—

(a) either of the following happens in relation to an extended hours of operation application—

(i) for a development application that includes a proposal for extended hours of operation—the consent authority refuses the extended hours of operation in the application but otherwise grants consent to the application,

(ii) for an application to modify a development consent to allow extended hours of operation—the consent authority refuses the application, and

(b) under Division 8.2, the applicant for the application requests the consent authority to review the determination made by the consent authority.

(2) The Minister administering the *24-Hour Economy Commissioner Act* 2023 (the ***Minister***) may, under Division 8.2, review the determination as if the Minister were the consent authority for the application.

(3) If, after conducting a review of the determination, the Minister determines extended hours of operation are appropriate in relation to the relevant food and drink premises, the Minister may—

(a) under section 8.4, change the determination by approving the extended hours of operation the Minister considers appropriate, and

(b) if the Minister considers it appropriate, also change the determination to include a further condition under section 4.17(10B).

(4) The Minister may delegate the exercise of the Minister's powers under this clause, other than this power of delegation, to the Secretary of, or another Public Service employee employed in, the Department in which the *Liquor Act 2007* is administered.

The Libertarian Party welcomes the vibrancy bill from the Government but as usual this Government is weak. I move an important amendment that will give the bill some backbone. I first moved to Sydney in 1991 when the night-life all over the city was bustling. I can remember in the 1990s there were half-a-dozen venues in North Sydney alone that were open well past midnight and frequently with long queues out the front. This was common across Sydney and, of course, in our once glorious CBD. I can remember going out in the 1990s on a Thursday night and sometimes not getting home until Sunday afternoon. If I were asked what was happening on those few days, I could not remember then, so I cannot remember now, but I kept doing it. There has been a slow but steady erosion of our night-life ever since. It is common for international visitors to bemoan how boring and dull Sydney is after dark. This is utterly unacceptable for a city that is world famous for its natural beauty and landmarks.

Sydney should be the New York City of the Southern Hemisphere, bustling night and day. It should be a 24-hour city. The decline began with Premier O'Farrell and his appalling illiberal lockout laws. Some in the media ran a relentless campaign because of one or two freak incidents—tragic, but unusual. There is a slight increase in risk to personal safety when going out for fun at night. It is a risk that has been around since we resided in the caves, but it is a voluntary risk. If people want to avoid that risk, they are free to stay home. But then Premier O'Farrell caved to media pressure and from February 2014 to 2020 the entire Sydney CBD was in a lockout zone. There was an 80 per cent reduction in foot traffic in Kings Cross alone. What did that government overreach achieve?

Ms Cate Faehrmann: Point of order: The member seems to be giving a second reading debate contribution, rather than speaking about his amendment. He did not contribute to the second reading debate on the bill, and I ask that he be directed to speak to the amendment.

The CHAIR (The Hon. Rod Roberts): I have great sympathy for what Ms Cate Faehrmann has raised. I draw the member's attention back to the substance of the amendment.

The Hon. JOHN RUDDICK: I thank Ms Cate Faehrmann. As members know, I am still new to this place. This amendment supports the rights of small businesses that seek extended trading hours by providing venues an appeal mechanism through the Minister or Liquor and Gaming NSW. The Minister or an empowered department will be able to support the venue by overturning a decision of a local council. I move the amendment not to expand the power of the Minister but to defend the rights of property owners from overzealous local government. The amendment has been motivated by a recent development on the Northern Beaches, which we have already discussed, The Joey. The situation was outrageous. The venue is 600 metres away from the nearest residence and obviously a lot of people wanted it open.

A free market should enable the trading hours of businesses to be determined by consumer demand, rather than the dictate of any level of government. In a free society some areas will become naturally urbanised and some will be more residential, even secluded. Businesses are unlikely to want to open in a place or time where they are unwelcome, because they rely on the goodwill and patronage of the community they serve. This amendment basically says that if a local council overturns a business's desire to keep opening, the business can then appeal to the good Minister or a delegate. We know that the Minister is in favour of reopening Sydney at night. It is a good move. I encourage the Committee to support the amendment. Make Sydney night-life great again.

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (17:34): Firstly, I recognise the outstanding contribution that the member has made on these issues in his short time in this Chamber. It looks like that tradition continues today. The Government opposes the amendment. Obviously, this

is a matter for the Chamber and if it were the will of the Parliament that such powers be granted, I commit to use them judiciously. The Government opposes the amendment.

The Hon. NATALIE WARD (17:35): I echo the Minister's comments and thank the Hon. John Ruddick for his contribution. The Coalition does not support the amendment. We have raised significant concerns about the State Government bypassing local councils and their rights of decision-making in a number of different areas. Our opposition to this amendment is consistent with that position. The Coalition believes that the bill strikes the appropriate balance in sending a very clear message from the Parliament that our intent is for weight to be given to longer hours of operation in appropriate areas where there is no detrimental impact in most cases, while still giving local consent authorities the power to determine such consents. If this bill does not successfully achieve that intent, then an amendment such as the one proposed by the Hon. John Ruddick would be appropriate, but we do not believe that is necessary at this time. We believe it is appropriate to give the vibrancy guidelines as initially proposed in the legislation—or in the form of a regulation, as suggested and nobly lost by the Coalition—a chance to work first.

The CHAIR (The Hon. Rod Roberts): The Hon. John Ruddick has moved Libertarian Party amendment No. 1 on sheet c2024-061B. The question is that the amendment be agreed to.

Amendment negatived.

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

Motion agreed to.

The Hon. JOHN GRAHAM: I move:

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

Motion agreed to.

Adoption of Report

The Hon. JOHN GRAHAM: On behalf of the Hon. Penny Sharpe: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. JOHN GRAHAM: On behalf of the Hon. Penny Sharpe: I move:

That this bill be now read a third time.

Motion agreed to.

Personal Explanation

THE HON. ANTHONY D'ADAM

The Hon. ANTHONY D'ADAM (17:39): By leave: Earlier this afternoon I met with the Premier to discuss my status as Parliamentary Secretary. Following that meeting, I received written confirmation from the Premier that he had removed me from the office of Parliamentary Secretary for Customer Service and Digital Government, Parliamentary Secretary for Emergency Services, and Parliamentary Secretary for Youth Justice, effective immediately. I am disappointed at my removal from my role as Parliamentary Secretary, but I understand the position that the Premier has taken and I hold no malice towards him. I acknowledge that the Premier and I have differing views in relation to a number of issues confronting the Government. I remain committed to continuing to work as part of the Labor team.

My comments made in the House last night were not intended as a criticism of the Government but to raise concerns about the approach that has been taken by a particular unit within the NSW Police Force and the incompatibility of that approach with the stated values of the NSW Police Force. I reject the assertion that I have been critical of the commissioner. I acknowledge the often difficult work police have to undertake. However, I believe I have a public duty to raise concerns in the forums available to me when I believe that the conduct of public institutions is inconsistent with the values that we, as a community, hold to be important.

My comments in the House were primarily in response to a specific incident at which I was present. I maintain that the police response in this particular situation was an unnecessarily aggressive response to a peaceful and disciplined protest. I am concerned about an increasing trend in New South Wales and across Australia of curtailing basic civil liberties such as the right of Australians to exercise free speech and take part in

peaceful protest. I have expressed concerns repeatedly around the erosion of these rights, particularly around the New South Wales protest laws, which currently have seen a number of trade union officials facing serious charges that could result in them facing jail sentences of up to two years. Labor has a proud history of standing for peace, justice and the democratic rights of the Australian people. I share those values and intend to continue to advocate for them in Parliament and in my community.

Committees

PORTFOLIO COMMITTEE NO. 6 - TRANSPORT AND THE ARTS

Government Response

The Hon. JOHN GRAHAM: I table the Government response to report No. 20 of Portfolio No. 6 – Transport and the Arts entitled *Pressures on heavy vehicle drivers and their impact in New South Wales*, tabled 16 February 2024.

Adjournment Debate

ADJOURNMENT

The Hon. JOHN GRAHAM: I move:

That this House do now adjourn.

ASBESTOS

The Hon. TAYLOR MARTIN (17:41): I take this opportunity tonight to speak about asbestos. I have spoken about it on several occasions in this Chamber in the past. In my inaugural speech I mentioned my grandfather, who worked on the floor at James Hardie in Sydney's western suburbs and died with asbestos throughout his lungs. I also spoke briefly last year about my own father, who also lives with asbestos inside his lungs. It seems to be controlled at quite a benign level. And of course we all know of Brommie's story—the former member for Myall Lakes in the other place. I feel it has been remiss of me that in my time here I have not done enough on this issue.

Over the past few months our State has been shocked by the discovery of asbestos in mulch at numerous sites across Sydney, including in public parks and schools. In Australia the use of asbestos began being phased out and was finally banned in 2003 with the final restrictions on importation of products. It is estimated that asbestos is present in one in three Australian homes. This has long-term implications for our health systems and the management of our built and natural environments. It is a problem that is not going away any time soon. It is a problem that future governments will be dealing with for the rest of this century at least. It is my view that asbestos-related disease is a looming public health crisis that will require a significant and rapid response from here on out.

In Australia every single year, on average, more than 4,000 people still die from asbestos-related disease. For every person who dies in a motor vehicle accident, three will die from an asbestos-related disease. The risk of asbestos-related disease increases with exposure level. However, there is no safe level of exposure at all. Asbestos fibres can get into your lungs and lodge there, causing cancer and other diseases. In New South Wales we have the waste levy which, by its design, acts as a market-based mechanism to encourage recycling by charging a higher fee for items going into landfill. The waste levy has been quite successful in this goal, with recycling increasing significantly since its introduction. Yet the waste levy also produces the perverse outcome of increasing the cost of safe and legal disposal of hazardous materials such as asbestos.

The former Government recognised that the waste levy was acting as a cause of illegal dumping of hazardous materials such as asbestos. In 2019 it announced that it would remove the levy on the disposal of asbestos waste up to a quarter of a tonne in a bid to discourage widespread illegal dumping of dangerous building material. The Environment Protection Authority [EPA] consulted on options to implement the exemption with external stakeholders in 2021. Unfortunately, this exemption was never implemented, for reasons I do not know. The current Government's efforts have focused more on the stick than the carrot, which it did by significantly increasing the penalties for illegal dumping and, it must be said, it did so rapidly with the Environment Protection Legislation Amendment (Stronger Regulation and Penalties) Bill earlier this year—a move I welcome, and I thank the Minister, who is present in the Chamber—but I am concerned that its impact will be minor. Of course, more still needs to be done.

This year the New South Wales Environment Protection Authority will undertake the much-awaited waste levy review. The review will consider a levy waiver for household asbestos. Given the Government has not announced a timeline for when the review will be finalised, it seems likely that it may be several years before any reduction in the fee for the honest, legal disposal of asbestos may come about in New South Wales. However, it

is my view that simply removing the waste levy on the legal disposal of asbestos materials is too small a measure. Asbestos material needs to be put into landfill—and sooner rather than later—because it is the only place where asbestos can be disposed of safely. It is not able to be recycled.

I hope the waste levy review also considers whether some non-recyclable material such as asbestos could have its disposal fully funded by that waste levy. The Government needs to take urgent action to reduce the financial burden of disposing of asbestos materials. By removing all financial barriers to the legal and safe disposal of this terrible material, it will also remove the burden placed on councils and other land managers regarding clean-up costs. I understand the need for the review. Like most things the Government does, I understand that it needs to avoid perverse outcomes or unintended consequences, but it also needs to avoid kicking this can down the road. I ask the Government to please act with haste and very soon on this issue. It is very important to many people.

INDIGENOUS INCARCERATION RATES

The Hon. STEPHEN LAWRENCE (17:46): Tonight I will speak about the over-representation of Aboriginal Australians in our courts and prisons. It is one of the most important but vexed issues that we face. I am not going to pore over the statistics. Let me simply put it this way: Social dysfunction, related criminal offending and our system of punishment and incarceration are working together to rob countless black kids and adults of meaningful lives. It is a tragedy, and it is particularly acute in country towns and remote areas where more Indigenous people live and where other aggravating social and economic factors are at play. Sit in most regional courts and the scale of this problem will play out before you.

Victims, families and whole communities are affected by the ongoing mass incarceration of Aboriginal people. It is hard to fix but easy to make worse. I will not dwell on the various targets agreed upon by State and Federal governments over the years, except to note that the justice targets in the Closing the Gap strategy commit the State Government to reducing Aboriginal imprisonment by 30 per cent by 2040. New South Wales is not on track. Rather, I will talk about some of the relevant principles and assumptions that I think are important. We need to fundamentally accept that high incarceration rates are due to higher rates of criminal offending, and that primarily is where we need to target programs. I welcome the recent comments of the Premier stating exactly that. It is honest.

We need to not pay lip-service. We need to interrogate every proposed law and policy for its implications in this regard and honestly confront the consequences. If the answer is the proposal will impact the incarceration gap, we should own that. I note the Premier admitted exactly that in respect of the bail changes made earlier this year and, again, that was honest—a defining characteristic of the Premier's successful communication style that the community finds so refreshing. We need to always critically assess the assumption that more police powers, harsher sentencing and bail laws will reduce crime, because often the opposite is true. The reasons for this are complex but three propositions are particularly important. Firstly, there are not enough police, regardless of what powers they have, to interrupt anywhere near enough of the offenders to change the broad trends of most offending. Secondly, while incapacitation does, in part, work in the short term, we simply cannot afford to jail enough people to incapacitate such a number as to truly reduce crime.

Thirdly, incarceration is a massive cause of crime. Nowhere is this pattern more tragically demonstrated than in the fact that one of the key risk factors addressing Australian Government research on intimate partner homicide is that the perpetrator has suffered significant trauma, with imprisonment being singled out in that research as exactly such a trauma. If we consider the extremely high rate of intimate partner homicide in the Indigenous population, it is a frightening reality. Fourthly, we need to accept the fundamental truth that strong families and communities are the real guarantees of community safety and not perpetuate the intuitive, but quite wrong, assumptions to the contrary. The social investments announced in Moree recently are a great start, but everyone knows how big the task is.

Fifthly, we need to show intellectual and moral leadership on all questions of crime and punishment that bear on this issue of Aboriginal over-representation. We need to explain things to people and try to forge a spirit of bipartisanship on these issues. We need to make hard decisions, including allocating the resources necessary for programs and interventions to address the underlying causes of crime; looking carefully at the issues like the age of criminal responsibility; and looking at the continued existence of certain offences or the way they are enforced that might be serving no real purpose and might be causing harm. The titanic task is to do all this while maintaining community confidence in the criminal justice system. It is no easy task. I recently hosted the launch of the justice reforms initiatives alternative to incarcerations report. It bears on these issues, and I thoroughly commend it to the House.

WHITE CLIFFS COMMUNITY

The Hon. SARAH MITCHELL (17:51): Tonight I speak about my recent trip to the Far West of New South Wales in my capacity as the shadow Minister for Western NSW but also as The Nationals duty MLC for Barwon. One of the perks of being in Opposition—and there are not many—is that we actually have some time to go out and about when Parliament is not sitting and really drill down into issues that communities are facing, particularly in the Far West, because obviously it is quite a distance to travel. It was wonderful to be there for a good four or five days. I went from Broken Hill to Wilcannia and into White Cliffs to spend some time with the locals and understand the pressing issues.

Tonight I speak firstly and most specifically about White Cliffs. I had never been to White Cliffs before. I had been to most places in regional New South Wales in this role or in my former role working for Federal members like Mark Coulton and John Anderson, but not White Cliffs. I was excited to be able to meet some of the locals. For members who have not been, it is quite iconic. Locals live in dugouts in the side of the hill. There are two hills in the town and residents are either in one or the other. In the middle strip there is the pub, the school and a few houses that are standalone residences. It is a great place. If any member gets the opportunity to visit and has not been before, I encourage them to go. They will never go anywhere like it in this country.

However, with unique communities often come unique challenges. I touch briefly on some concerns that were raised with me around land use agreements, the current work on mineral exploration and also the complexities of a native title claim that covers that community and what that means for regulations with Crown lands and the ownership of the dugouts. I acknowledge the Hon. Stephen Lawrence, who in the Chamber. I know he has visited the area. Because of his role in government, he might find me coming and chatting to him about some of the issues raised. Without verballing him, I think he would agree.

There is a very unique set of longstanding circumstances in White Cliffs; I acknowledge that. This was not a policy space that I had responsibility for when we were in government. I am not in any way being derogatory towards those Ministers who were in that space. My initial impression was that there have been a lot of issues in the area. I have not seen a community as strangled by different levels of bureaucracy as that community. They are complex issues, with complex legal issues, particularly around native title but also around the mining leases and the Crown lands components. There needs to be a genuine bipartisan attempt to help provide a resolution to that community for some of those issues.

I acknowledge some of the people that I met. Graeme Dowton owns Red Earth Opals in White Cliffs, which has an incredible collection of opal pineapples. I did not know they existed, and they are amazing. They can only be found in White Cliffs and they can be worth up to half a million dollars. Brian Eakin is a long-time resident and opal miner, who has lived in his dugout for many years. We talked through the issues of Crown lands, including how to have the right relationship with the local Barkandji people as the native title holders and also some of the concerns preventing the locals from being able to really live in their dugouts because they do not own them but are responsible for their upkeep. Graeme runs his business and cafe out of his dugout, but there is no security of ownership. They are very much at the whim of government decisions. As I said, it is far more complex than anything I can articulate in a five-minute adjournment speech.

I thank the local residents that I met. Annette Turner lives at White Cliffs and was our National Party candidate. I met with Dick Wagner, who owns Southern Cross Opals, and some locals at the pub, Sarah and Matt. There are complex issues there. It is important that Government and Opposition members work together because the concerns are twofold for a lot of people in White Cliffs. They do not feel like they own their own homes because they do not technically own them, and there is no current pathway for them to be able to own them.

There is also the secondary but equally challenging concern about what is happening with their mining allocations, what that means and how to balance that between rights of access et cetera. These are complex issues, as I have said. There is real potential to unlock what is fantastic about a town like White Cliffs and encourage the economic, social and cultural opportunities of opal mining and what that means for the Far West. But tonight is about thanking those who welcomed me with open arms. I had a fantastic time. I look forward to visiting again and doing what I can to help the community and work with whoever we need to work with to get some resolutions on some challenging issues.

COST OF LIVING

ERARING POWER STATION

The Hon. TANIA MIHAILUK (17:56): The crippling cost-of-living crisis continues to rage in Australia. It is strangling families and households, many of whom are barely keeping their heads above water. Given the recent inflationary budget delivered by Labor Federal Treasurer Jim Chalmers, Australians are about to be hit even harder. As such, one would think the New South Wales Government would be doing everything in its power

to lower the price of the necessity that all Australians have in common—electricity. Yet the Government continues down this catastrophic road of unrealistic net zero targets, which only serve to drive electricity prices up. Despite insisting it is doing the right thing, the problem the New South Wales Government faces is that, according to multiple sources, the net zero agenda simply is not working. The recent report from the Grattan Institute entitled *Keeping the lights on* warns of exactly that. The report states:

> There is mounting evidence that the National Electricity Market may not be able to deliver enough investment in low-emissions generation, storage and transmission, when and where it will be needed.

It is clear from many recent articles that the Australian Energy Market Operator, Ausgrid and industry stakeholders are warning governments, particularly the New South Wales Labor Government, that there are serious supply chain issues and projected high costs in the order of $16 billion. It will cost billions to ensure that transmission lines are up and running across the State by 2025. It is clear from the Grattan Institute report that Labor's road map to a renewables-only future is failing, and Labor knew that last year when it announced the need to continue to stop the closure of the Eraring Power Station, which was announced under the Coalition Government. The power station was slated to close in 2025 and it is now in secret negotiations. That is a good thing. Ultimately, the Government is keeping Eraring open because it knows the dire consequences of closing it. The director of the Victoria Energy Policy Centre, Bruce Mountain, said in *The Australian* this week:

> Such is the tightness of the NSW market that even reasonably mild reductions in coal generation, combined with weak wind/solar generation, now induce much more expensive gas generation into the market and prices then rocket up. The fact is that renewable generation has been increasing much too slowly in NSW to compensate for the withdrawal of the enormous amount of electricity produced by Eraring.

The Government is starting to appreciate that statement. He is not the only expert with that opinion. As the ABC reported in September last year, before the New South Wales Government had made the decision to keep Eraring open, a report by energy expert Cameron O'Reilly found that the closure of Eraring would require the State to speed up the building of new energy projects and that the likelihood of success is low. The Hon. Penny Sharpe, the Minister for Energy, relied on that report when she announced that Eraring would not be shutting. The report stated, "With the amount of notice given on Eraring's closure, it is reasonable to seek more time." Not only that, a report from the Institute of Public Affairs entitled *Liddell The Line In the Sand*, released in May 2023, asserted:

> No baseload power station should be allowed to close unless and until a like for like … replacement—be it coal-fired or nuclear—is ready to come online.

The report stated, "Removing affordable and reliable energy generation from our network has resulted in skyrocketing energy bills, which have already increased by 30 per cent over the past year, leaving families worse off and driving industry offshore. This has happened before. Following the closure of the Hazelwood Power Station in Victoria, wholesale prices jumped more than 70 per cent compared with the previous year, and over the following three years were 135 per cent higher than the average over the previous decade." As such, we should be commending the New South Wales Government for making the decision to keep Eraring open. However, it should simultaneously be condemned for its cowardice.

The fact is that the decision to delay the closure of Eraring is an admission that the New South Wales Government's road map to net zero is simply not working. If the New South Wales Government had any integrity and cared even a bit about the people of this State, it would openly acknowledge its error in pursuing these fanciful renewable targets, apologise unreservedly and try to forge a sensible path away from these radical targets. Unfortunately, it is evident that the New South Wales Government, aided and abetted by the weak and equally woke Opposition, will continue the senseless and sinister agenda to handicap New South Wales when it comes to electricity. The people who will pay will ultimately be the families and the ordinary people of New South Wales.

EMPLOYEE WORKING HOURS

The Hon. MARK BUTTIGIEG (18:01): I bring to the attention of the House a fantastic and significant campaign by the United Services Union [USU] to bring the four-day work week to councils in New South Wales. In August 2023 Georges River Council started a four-day work week trial for outdoor workers. The trial involves 36 hours of work over four days, rather than 38 hours over five days. The workers are not losing any pay. The trial is set to end in December 2024, with the intention that it will then be made permanent. Although we have never stopped fighting to improve workers' entitlements and conditions, no major changes to working hours have been made since full-time hours were set to 38 hours per week in the 1980s.

The four-day work week is not a new concept. It has been around for decades but it has grown in popularity since the pandemic. During the pandemic, employers and workers had to think more creatively about flexible and efficient work arrangements, and this has continued. Trials have utilised different methods of achieving a four-day work week. Some employers roster workers' days off on different days, and there is always someone on the clock, while others have a set four days of work for all employees. In some trials, workers perform the same number of hours that they would in a five-day work week, just compressed into fewer days. That is the format Woolies is set

to use if Shop, Distributive and Allied Employees' Association [SDA] members approve a proposed new enterprise agreement. This is another great result, and I congratulate SDA New South Wales branch secretary/treasurer Bernie Smith on his work to make this happen. Bunnings is also currently undergoing a similar trial, thanks to the SDA.

Another popular approach to the four-day work week is the 100:80:100 method, whereby workers keep 100 per cent of their pay, work 80 per cent of the hours while maintaining 100 per cent productivity. Many are attempting to achieve a 32-hour work week like the Georges River Council trial. Broadly speaking, four-day work week trials have seen positive results for workers and employers alike. For the Georges River trial, I have heard firsthand that there has been no loss in productivity, staff morale has improved and workers are using less leave. A four-day work week benefits work-life balance for workers and can relieve stress and reduce burnout.

Employers in other trials have reported that productivity actually improved with the introduction of a four-day work week. In a 2023 study by John L. Hopkins, an associate professor at the Swinburne University of Technology, 70 per cent of the organisations that were surveyed said output had improved with the introduction of a four-day work week. Six out of 10 noted that recruitment and retention had got better, and 50 per cent reported that attendance had improved. Everyone wins with the four-day work week. I commend Georges River Council for providing workers with better flexibility and work-life balance. With country-wide skills shortages and issues with retaining workers, these trials could not be more important to draw in and keep workers. This great USU campaign is being brought about by delegates Craig Wilson and Mark Paul—and I congratulate them on their work—as well as the secretary of the USU, Graeme Kelly, OAM, and the metro manager of the USU, Steve Donley. I also congratulate the SDA and the Australian Services Union [ASU] on their ongoing work advocating for a four-day work week.

Once again we see the union movement at the forefront of progressing workers' interests: an eight-hour day, annual leave, long service leave, sick leave, superannuation, workplace health and safety, parental leave, domestic violence leave, Medicare and now the four-day week—you name it. It is always at the forefront of dragging governments into the new era, which is a good thing for society. People should have a good work-life balance. Good employers will understand that if they give people the time to relax with their families and have that reflection, they come back to work energised, more productive and everyone is happy. Productivity goes up and we have a good, employable economy.

HOUSING DEVELOPMENT

The Hon. CHRIS RATH (18:06): I am no doubt the most yimby member of Parliament, but I am also the most bimby, or "beauty in my backyard". These things need not be contradictory. Medium density, or "gentle density", can be done well. One of the biggest obstacles to increasing housing supply is of course opposition from nimbys. They are often retired and have the time to relentlessly lobby their State and Federal members of Parliament and councils against any development. They oppose density, sometimes even mid-rise, townhouses or duplexes. Often it is not the density that they oppose but rather the ugliness of the proposed buildings. A four-storey brutalist concrete box is alien to a leafy street of Californian bungalows. But build a similar number of apartments in a brick turn-of-the-century design, appropriately located at the end of the street near a train station, shops and a park, and watch most of the nimby concerns disappear. Beauty is the antidote to nimby-ism.

One pathway forward for beauty to alleviate anti-development community concerns is through pattern books. In Sydney we could look to the Paddington terrace houses and the turn-of-the-century and art deco apartment blocks of Potts Point and Elizabeth Bay for our own pattern book inspiration. We should follow those patterns and examples laid down by tradition in a modest attempt to get things right for the future. It is not about being original or creative; it is about gentle density in human proportions, with details that are restful to the eye and that have served us well for centuries.

Chris Minns and the New South Wales Government have announced that they will develop a pattern book of designs that will give developers some pre-approval efficiencies. The principle of developing pattern books is a good one and one which the New South Wales Government should be congratulated on. However, pattern books are only as good as the shortlisted designs one can choose from. Unfortunately, New South Wales seems to be heading down the same path as Victoria, where we can only choose from boxy, soulless and sterile designs in the modernist, Bauhausian and functionalist styles. They are designs so ugly that they will further embed nimby sentiment in the community.

Every visual preference survey shows that there is indeed a design disconnect between what people want and what the architects and developers build. Chris Minns said that we should look to Paris for inspiration of medium density done well. I agree with him. Paris is indeed beautiful because of Haussmann facades. I suggest that the chief architect work closely with Ben Frasco and Sean Perry at Street Level Australia to ensure that traditional and beautiful designs are included in the pattern book. If we could build beautiful, liveable buildings

100 years ago, when we were far poorer and far less technologically advanced, why can we not build in a similar style today?

In addition to pattern books, how else could governments bring the community with them to boost housing supply and density? I have always liked the principle of subsidiarity, which means that a central authority has a subsidiary function that performs only tasks that cannot be performed at a local level. Instead of Federal, State or council bureaucrats solely making planning decisions, why not delegate power further to the people through visual preference surveys, with large sample sizes, for new developments? The reality is that when people are given the choice, they do not choose brutalism or modernism. They choose modest streets, laid out in traditional ways using the well-tried and much-loved details that have served us well for centuries. It has been almost 100 years and the public are yet to fall in love with modernism. Perhaps modernism is out of fashion, and not the traditional designs it replaced.

Even better than visual preference surveys is the real subsidiarity from street votes, which are currently being developed and trialled in the United Kingdom. Street votes work by residents on a street proposing a street plan and then setting out what additional building work should be permitted and what style it should adopt. That may encompass enabling particular types of extensions and/or additional properties. One model is for a group on the street to work with a local architect or builder. The proposal is voted on by either one-fifth of the residents or 10 different homes, whichever is more, and the vote generally requires a two-thirds majority. If the vote passes then everyone on the street has the exercisable right to develop their property in line with that plan, which leads to an instant increase in the value of one's property whilst also increasing housing availability. Let us move forward with beauty as the antidote to nimbyism.

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

Motion agreed to.

The House adjourned at 18:11 until Tuesday 4 June 2024 at 12:30.