

LEGISLATIVE COUNCIL

Thursday 15 August 2024

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

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

Bills

INDUSTRIAL RELATIONS AMENDMENT (ADMINISTRATOR) BILL 2024

First Reading

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

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

Statement of public interest tabled.

The Hon. PENNY SHARPE: I move:

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

Motion agreed to.

The Hon. PENNY SHARPE: I move:

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

Motion agreed to.

Motions

SIKH YOUTH AUSTRALIA SUMMER CAMP

The Hon. MARK BUTTIGIEG (10:02): I move:

- (1) That this House notes that:
 - (a) on 11 January 2024, Sikh Youth Australia officially opened their 2024 Summer Camp in Collaroy and the Hon. Mark Buttigieg, MLC, was honoured to attend and speak representing the Premier, the Hon. Chris Minns, MP;
 - (b) Sikh Youth Australia has been holding summer camps for young people and their parents since 1999, with participants travelling from around Australia as well as New Zealand, Malaysia and India to celebrate the Sikh religion and culture and participate in recreational and team building activities;
 - (c) in 2024 the summer camp ran between 10 January and 14 January under the theme "Rising above adversity with resilience and compassion", a powerful message which resonates with all age groups; and
 - (d) the camp also celebrated 400 years since the birth of an important figure in Sikhism, Mata Gujri.
- (2) That this House congratulates Sikh Youth Australia, including their president, Satwant Singh Calais, for conducting such a successful summer camp for families and for their 25 years of work to inspire the next generation of Sikh leaders in Australia.

Motion agreed to.

Documents

GREYHOUND WELFARE

Tabling of Documents Reported to be Not Privileged

The Hon. EMMA HURST: I move:

- (1) That, following the report of the Independent Legal Arbiter entitled *Disputed Claim of Privilege—Greyhound welfare*, dated Friday 9 August 2024, this House orders that the documents received on Tuesday 9 July 2024 from the Greyhound Welfare

and Integrity Commission, considered not to be privileged by the Independent Legal Arbiter, be laid upon the table by the Clerk.

- (2) That, on tabling, the documents are authorised to be published.

Motion agreed to.

Motions

THE LARAMIE PROJECT

The Hon. CHRIS RATH (10:03): I move:

- (1) That this House celebrates the important work of the American Australian Association in bringing the play *The Laramie Project* by Moises Kaufman to Sydney.
- (2) That this House notes the important themes and stories explored by *The Laramie Project*, including:
 - (a) the story of Matthew Shepard, who was robbed, beaten and left to die in a homophobic attack occurring on 7 October 1998;
 - (b) the important work of Matthew's parents, Judy and Dennis, in establishing the Matthew Shepard Foundation to honour Matthew's passion for equal rights and the fight for change, which is achieved through legislation such as the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act; and
 - (c) the attitudes of locals in Laramie Wyoming, which attempt to explain the causes that encouraged two complete strangers to commit such a heinous act and demonstrate how the resulting publicity changed the world's views on the LGBTIQI community.
- (3) That this House thanks the many people who were instrumental in this project's success, including Nik Kaurin, director, Dean Bryant, co-founders of the Tectonic Theatre Project, Moises Kaufman and Jeffrey LaHoste, and president of the American Australian Association, John Berry.

Motion agreed to.

Documents

TABLING OF PAPERS

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

- (1) Report of the Department of Communities and Justice entitled *NSW Public Authorities: Disability Inclusion Action Plan 2022-2023 progress report card*, dated May 2024.
- (2) Report of the New South Wales Government entitled *NSW Government response to the Disability Royal Commission*, dated 31 July 2024.

AUDITOR-GENERAL

Reports

The CLERK: According to the Government Sector Audit Act 1983, I announce receipt of a Performance Audit Report of the Auditor-General entitled *Threatened species and ecological communities*, dated 15 August 2024, received out of session and published this day.

GREYHOUND WELFARE

Tabling of Documents Reported to be Not Privileged

The CLERK: According to the resolution of the House this day, I table the documents received on Tuesday 9 July 2024 from the Greyhound Welfare and Integrity Commission, considered not to be privileged in the report of the Independent Legal Arbiter entitled *Disputed Claim of Privilege—Greyhound welfare*, dated 9 August 2024.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. PENNY SHARPE: I postpone business of the House notice of motion No. 3 until a later hour of the sitting.

Sessional Orders

MEMBER CONDUCT DURING COMMITTEE PROCEEDINGS

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (10:15): I move:

That, during the current session, the following procedures apply to disorderly conduct in committees:

- (1) If the chair of a committee calls a member to order three times for disorderly conduct in the course of any one committee meeting (not including a deliberative meeting), the committee must immediately meet in private.
- (2) Any member of the committee (not including the chair) may then move a motion that the member called to order be removed from the meeting for a period of time as the committee may decide, but not beyond the termination of the meeting.
- (3) If a committee resolves to remove a member under paragraph (2), the committee must table a special report in the House.

This motion implements recommendation 1 of the Legislative Council Procedure Committee report *Procedures for dealing with disorder by members during committee proceedings*. That inquiry was referred to the Procedure Committee on the initiative of the Hon. Jeremy Buckingham as the chair of Portfolio Committee No. 1 - Premier and Finance. I will allow the Hon. Jeremy Buckingham to explore in more detail the issues that brought about the inquiry. In summary, during the Portfolio Committee No. 1 budget estimates hearing into The Legislature on 4 March 2024, a member of this House repeatedly treated witnesses with discourtesy, interjected, contravened the procedural fairness resolution of this House and called the chair's impartiality into question without reasonable basis. The chair subsequently called him to order 26 times.

During the sittings of this House, when members ignore the standing orders or flout the rulings of the President, they need only be called to order three times to be excluded from the House as a consequence of their behaviour. There is no equivalent procedure available to committee chairs to ensure the appropriate behaviour of committee members and participating members. In the incident that brought about the inquiry, no recourse was available to the chair. The motion attempts to remedy that. The committees of this House do essential work in service to the people of New South Wales by scrutinising the actions of the Government and holding it to account. Throughout the history of this House, committees have made findings and recommendations that have had a tangible impact on people's lives in far too many instances to mention. They often uncover serious and important evidence, which is sometimes provided to the committee at great personal risk and cost to witnesses.

It is incumbent on all members of this House to understand the responsibility they hold to safeguard the dignity, wellbeing and safety of witnesses when they provide evidence to our inquiries. The procedural fairness resolution of this House outlines a number of ways members should do that. All witnesses should expect that they will be treated with professionalism and respect and afforded procedural fairness when appearing. That is not to say that witnesses will not be subjected to robust questioning about difficult matters. Those types of questions often sit at the heart of why committee work is so important. However, no-one should fear being yelled at, jeered at, disparaged, insulted or continuously undermined by committee members while providing evidence to an inquiry.

Up until now, that has been possible within the rules that govern our committees. The events that occurred on 4 March unfortunately showed that it is no longer possible to guarantee that witnesses will receive respectful treatment when providing evidence to an inquiry before a committee of this House. If left unmanaged, that would bring this House and the crucial committee work it does into serious disrepute. The motion provides a mechanism that would enable disorder in a committee to be dealt with appropriately. If passed, the motion would introduce a new sessional order for this term of Parliament. If the chair of a committee calls a member to order three times for disorderly conduct in the course of any one committee meeting or hearing, but not including a deliberative hearing, the committee would need to meet immediately in private. At that private meeting, any member of the committee except for the chair can elect to move a motion to remove the member for a period of time not longer than until the end of the meeting or hearing. If that occurs, the committee must also table a special report to the House.

That procedure strikes the right balance to prevent the sessional order being used in a partisan way, by requiring members other than the chair to initiate a motion to remove a member. The Government also looks forward to the opportunity to review its operation after 12 months. I thank honourable members for the goodwill they brought to the conversation during the Procedure Committee inquiry about this difficult but important step for the House. It is an important change to ensure the safety and wellbeing of witnesses and to support the important work of committees. I commend the motion to the House.

The Hon. DAMIEN TUDEHOPE (10:19): The Opposition opposes the motion. Until now deliberations of the Procedure Committee have been conducted on a bipartisan and unanimous basis before amendments are passed by the Procedure Committee and brought to the House. This is the first time that has not occurred. The danger of the proposed rule is that the powers granted can be used for the oppression of the minority—or the tyranny of the majority. I acknowledge the circumstances that were brought to the attention of the Procedure Committee to consider.

The Opposition quibbles with the manner in which the resolution has been reached and, notwithstanding the opportunity to have a review in 12 months time, the overwhelming concern is the potential for the rule to be used—or abused—to exclude a member from continuing to participate in a committee. That raises serious doubt

about the efficacy of the manner in which a committee continues its deliberations. We would have hoped that a bipartisan agreement could be reached across all parties to amend the sessional orders. In the absence of such an agreement, the matter should be left on the agenda of the Procedure Committee for it to consider a different resolution. In the absence of unanimity on the resolution, the Opposition opposes the motion.

The Hon. JEREMY BUCKINGHAM (10:22): I support the motion brought to the House by the Procedure Committee. I thank the Procedure Committee for its deliberations. My principal reason for supporting the motion is the inverse of the argument put by the Hon. Damien Tudehope. In my opinion, the efficacy of committees is put at risk by disruptive behaviour. The motion has been prompted by the conduct of the Hon. Wes Fang on Portfolio Committee No. 1. His behaviour was deliberately disruptive and childish, and destroying the capacity of that committee to function. The operation of the committee was completely dysfunctional in that situation, and I thought it necessary to bring the matter to the attention of the Procedure Committee. Committees need some mechanism, as this House has, to deal reasonably with disruptive behaviour for the betterment of the committee, to protect witnesses who appear before them, and to protect the reputation of this House and its committees.

The public follow committee hearings. They can tune in online or watch them in person—God forbid! As a new chair of a committee, it was a shock to me to discover that I had no course of action to deal with the member's conduct, other than to call him to order 26 times. That is entirely inadequate. The Procedure Committee has considered procedures in other parliaments and your powers, Mr President. To my knowledge, no-one has been removed from this Parliament. The logic of the Hon. Damien Tudehope calls into question the impartiality of all chairs. I think all chairs act impartially, will continue to do so, and will act to ensure the good order and functioning of the committees. In this House it is often the case that once a member is called to order for a second time, they respond and temper their behaviour. The proposed procedure for committees is that if a member is called to order for a third time, the committee will privately deliberate the appropriate action.

The member will not necessarily be removed. They may be reminded that they can be removed. Potentially, they could be removed for a short time and so their capacity to participate in the hearing is limited—for example, they would lose the opportunity to interrogate the Executive at budget estimates hearings. It is an entirely reasonable proposition. I support it wholeheartedly. I hope it is never used. A message is being sent loud and clear to all members that we have to behave and support the function of the incredibly important committees. For those reasons, I commend the motion to the House.

Ms ABIGAIL BOYD (10:26): The Greens also support the motion. We thank the Hon. Jeremy Buckingham for bringing the matter to the attention of the Procedure Committee, but it is regrettable that we have got here. We have spoken in this place about the breakdown of norms and conventions across Parliament and how it is resulting in the need to codify rules that were previously unnecessary. I note the contribution of the Leader of the Opposition that normally the major party members of the Procedure Committee would agree on a procedural reform before bringing it to the House. But the convention is that political parties will keep their own members in check. That is what has broken down. I like the Hon. Wes Fang, but his behaviour in committee hearings is so disruptive that the rest of us cannot do our work. In any other circumstance I would hope that a political party would keep members in check and say to them, "We are not going to put you on committees if you continue to behave like that, because you are bringing us all into disrepute. It is making it really hard for us all to do our work."

More importantly, this is a work health and safety issue. Under the new Respect at Work reforms, all chairs of committees have a responsibility to ensure that committee rooms are safe places for people to work. That applies not only to members but also to witnesses, parliamentary staff and members of the public. That responsibility is untested at the moment. I hate to think what would happen if a witness expressed to SafeWork NSW that they suffered mental distress through participating in the committee process to the extent that they made some sort of claim. Who would be responsible? Chairs of committees would find themselves in a really awkward position, because under the current law we do not know who is responsible. This is a very serious matter. We need to have some way of controlling members' behaviour in committee proceedings. I do not think the rule will be used; I hope it will not.

I agree with the Opposition. I do not want to see conventions and norms eroded when we normally work together on the basis of good faith so that the House operates in the best possible way. But we have come to this because a party has failed to keep the behaviour of one of their members—who has gone too far—in check. That is why we support the motion. I call on the particular member to whom this motion is directed to reflect on his behaviour. He can still have the banter to-and-fro, but a line has been crossed. He needs to come back to the other side of it.

The Hon. SARAH MITCHELL (10:29): I contribute to debate on the motion and, like the Leader of the Opposition, I convey my concerns with it. I am a member of the Procedure Committee. I speak today about some

of the issues I raised in that forum and put my concerns on record. The first is that two members have referred to my colleague the Hon. Wes Fang. I hope that all members in this Chamber are aware that we are all passionate people. Not everyone has great days all the time, and none of us are perfect. We are talking about one incident at a particular committee where people feel that a behaviour was inappropriate.

The Hon. Mark Buttigieg: No.

The Hon. SARAH MITCHELL: Well, a colleague has been singled out and it is my right as the leader of The Nationals in this place to defend him. The Hon. Wes Fang is a very passionate member of our team. To have a pile-on on a particular member is disappointing. The reality is that there are ways and means that people can help manage different behaviours. We should all aspire to good behaviour in committees. However, no-one is perfect. No member can say, hand on heart, that we have never had days when we were a bit more full on than we should have been or had moments when we were not the most courteous in this Chamber or a committee. It is my right to say that all members should reflect on judging others a bit too harshly.

The Opposition has concerns about whether this motion will be weaponised. We are very concerned about what may happen in budget estimates. Again, that was discussed in the Procedure Committee. Members opposite know full well—and those of us in opposition are now learning—that budget estimates are an important part of holding the Government to account. If this sessional order is abused in the middle of an estimates hearing—for example, if a deliberative meeting is called or if time is lost to question a Minister who is under pressure—there is a risk the Government could use it to its benefit by protecting one of its Ministers who, perhaps, is not having a great estimates hearing. The Opposition is legitimately concerned about that.

The Hon. Jeremy Buckingham: Chairs are from the crossbench.

The Hon. SARAH MITCHELL: With respect, could the Hon. Jeremy Buckingham allow me to finish my contribution? He says that budget estimates are chaired by the crossbench, but that is in the current Parliament. When we make changes, we set a precedent. Opposition members are allowed to have concerns, and we certainly do. In estimates hearings it is not uncommon for a deputy chair to act when a chair needs to attend another committee. Those things happen. There is a chance that the member acting as chair has not had a lot of experience in running a committee. The Opposition's concerns are legitimate. If the order is ever used, the proof will be in the pudding, but we have concerns about the motion. We are disappointed. We think it is regrettable that we did not operate by consensus in the Procedure Committee as we always have. For those reasons, the Opposition finds the motion is problematic and will not support it.

The Hon. WES FANG (10:32): I make a contribution to debate on the motion. My name has been raised a number of times by members opposite, and I am aware of the genesis of the motion. I make a few points about the motion and the business that day. The Hon. Jeremy Buckingham indicated in his contribution that he was a new chair and was surprised to learn a number of things as he conducted the hearing. In the same way that I did not believe that the Hon. Jeremy Buckingham was acting in a manner that was consistent with the regular conduct of committee chairs, there is no doubt that his conduct on that day was not as robust as it could have been.

The Hon. Jeremy Buckingham: You are a disgrace.

The PRESIDENT: Order! The member will be heard in silence.

The Hon. WES FANG: I listened to your contribution, Jeremy. I ask you to listen to mine.

The PRESIDENT: Order!

The Hon. WES FANG: I note the contribution from Ms Abigail Boyd. I agree that she and I have a very good relationship outside the Chamber. We often do not agree on things. She was sitting next to me that day and she agreed with my position, that a number of the rulings made by the Hon. Jeremy Buckingham were not as they should have been. While I respect her position that she would have liked me to address it in a different way, there was consensus, at least in part, that the rulings of the Hon. Jeremy Buckingham were made in a way that we would not have expected a chair to conduct themselves.

In circumstances where the Government and crossbench use their numbers to ensure that there are no chairs from the Opposition, they effectively run the numbers on those committees. I could call dissent, but I can count, so we know what happens in that circumstance. What is interesting about this decision, Mr President, is that you also chair the Procedure Committee—you were directly impacted because it was your estimates hearing—and this was the first time consensus was not reached.

There is a chance that the order can be weaponised. As we have this motion before us, we should think about chairs and deputy chairs, their training and their understanding of the standing orders, the conventions of the House and the way committees operate. This should not be the only motion brought before the House. There

should be a suite of measures to make sure that committee chairs are appropriately experienced and trained to understand the conventions, the standing orders and the way that committees operate, and that they act with true impartiality.

I can say, hand on heart, that I appreciate the difference between being a member in the House and a Presiding Officer in the chair. I have done both. I try to do my best in both of those circumstances. When I am in the chair, I act with true impartiality. I would love any member to question any decision I made throughout my time as Deputy President or a chair of a committee. I am not convinced that some of the current chairs are as committed to that as I was. I will reflect on what occurred that day, but I ask that members of this House—chairs, deputy chairs and potential chairs—to also reflect on their conduct during committees.

The Hon. MARK LATHAM (10:37): There is a pretty good rule in politics: Don't go defending the indefensible. I was there that day. I have got to know the Hon. Jeremy Buckingham. I say to the Hon. Wes Fang, you are no Jeremy Buckingham. He is an effective, savvy parliamentary operator. He has a very different set of political beliefs to me, but I have come to admire his style and methods in this Chamber. He chaired that meeting that day as well as anyone could. It is a parallel universe for any member to say it is the chair's fault.

In knocking over this motion, the National Party is asking us to accept that any member can go into a meeting and just blow it up—no matter how childish, stupid or outrageous their behaviour—and nothing can be done about them because there is no rule to bring them to order. That is essentially what happened that day. I am not exactly an angel in that department. I have tried to blow up the odd meeting in my time, and I have had a few members try to blow them up on me, most notably Brad Hazzard. It was like an episode of *This Is Your Life*. He had a folder on me about things I had long forgotten about. This happens, but there are rules to bring us to order. Self-evidently, any meeting needs rules. It is the essential nature of our democracy.

It was unfair to other members of that committee for someone to have a tactic of trying to blow up the meeting, and there was no capacity for the chair to kick them out. If I had been the chair that day and there had been a standing order to deal with that member, after probably 10 calls to order, I would have turfed them out. Twenty-six calls to order is outrageous, and it denies other members the time they need in the all-important budget estimates. There is so much waste and mismanagement in this building, we need a full day of estimates to get through all the matters in my hefty folder. It denies fairness to other members when raising matters. It sullies the whole reputation and appearance of our House by virtue of that particular committee.

What is the National Party today? It is down to three members in this House, and they are trying to hold us to ransom. The old Latham-Roberts-Martin cabal also has three members, but we are not holding the House to ransom and defending the indefensible. I say to the National Party, "You go catch and kill your own on this, because you've got a member who is an embarrassment to you. The tactics don't work. It's not good opposition politics, and the fact that you're saying this House can have no rules to deal with it is completely outrageous and completely wrong."

The Hon. STEPHEN LAWRENCE (10:40): As a young lawyer, I learnt of the power that is in the hands of someone who has the capacity to make accusations against people in a public place. I learnt the impact that that has on people. One incident that really sticks in my memory is one morning in court, when I cross-examined a police officer. After the lunch break, I was talking to the Crown prosecutor and I made a joke about having cross-examined her very vigorously. The Crown prosecutor said to me, "Mate, the thing that you should know is that she was in my office in tears all over the lunch break." That really surprised me, and it is a lesson that I have borne in mind all my legal career. It is important to bear in mind that when people have the capacity to hurl allegations against others in a public place, it can have a devastating impact; and we do not always understand the impact.

That is why, in a committee where these things occur—obviously, they occur there more than they do in the Chamber—there should be a power in someone's hands to effectively control that and end it so that it does not end the work of the committee. If the only way to stop abuse of witnesses or other misconduct is to end the committee hearing, that frustrates the work of the committee. I have heard a lot of good things about the way that the Hon. Wes Fang operated as Deputy President. I would have thought that that would lead the Hon. Wes Fang to understand the need for that sort of power to be in place in a committee. It needs someone who is objective, who can take control and allow the committee work to continue. In my view, it is untenable to allow these things to continue or to only have the alternative of not continuing the committee hearing. For those reasons, I support the motion.

The Hon. BOB NANVA (10:42): I will not speak to the substantive merits of the motion, as other members have done so. We have heard concerns about the tyranny of the majority misusing or abusing the proposed procedures. I do not doubt that those concerns are genuinely held, but the point I make is that the circumstances leading up the use of these new procedures will be captured in the transcripts of proceedings. If

there is any use or abuse of the procedures, it will be transcribed in full public view and can be revisited down the track by this House. I doubt that that will be the case because I think the transcript records very well what happened at the Portfolio Committee No. 1 budget estimates hearing, which was chaired by the Hon. Jeremy Buckingham as best as it could possibly have been chaired. The transcript does not lie. It is what has precipitated this motion. But if there is any concern that is borne out down the track, the cause will be recorded in the transcript and we can then deal with it.

Ms SUE HIGGINSON (10:44): I associate myself fully with my colleague Ms Abigail Boyd and her comments. A lot has been said about one particular incident, one particular inquiry and one particular set of hearings, but it is important to place on the record that this matter and the individual involved is not isolated to one time, one matter or one inquiry. Before I came to this House, I operated in another institution of democracy, the courts. I operated in what is referred to as "the real bearpit", the Magistrates Court at the Downing Centre, and in the District Court, the Supreme Court, the Court of Appeal, the Federal Court, and so on. Never in my life, when operating in those institutions to the best of my capacity—which, of course, varies radically from day to day—did I feel that I could not participate while playing by the rules. But it is a fact that, with all my rhino hide intact, I have walked out of particular committee proceedings because it just felt so wrong, so unhinged and so undemocratic and bordered on bringing this institution of democracy into disrepute.

When we get to that point, it is genuinely important that we take a good look at ourselves. The Government has moved a very sensible motion. As my colleague Ms Abigail Boyd said, we all act in the hope that this will never surface and the power will never have to be used. But the very fact of having the safety nets around us makes us better, makes us rise to the occasion, puts in parameters of expectation and, at the end of the day, makes the substantive work we do much better. That is what we are all about. This motion is about the substance of the work that we do together, and the work in our inquiry process is fundamental to our democracy. More than anything else, that is what I have learnt in my couple of years in this place.

The Hon. ROD ROBERTS (10:46): I did not intend to say anything, but I will. I watched those proceedings from home with my wife and my son. It was absolutely embarrassing. Members who were present during the last term of Parliament will remember my inaugural speech. They may need to be reminded that my inaugural speech was about the behaviour of parliamentarians in this place. I mentioned that after my first couple of days here, a group of schoolkids visited during question time here and in the other place. As a bright, shiny new politician, who was very proud to be in this House, I asked them, "What did you think?" They said, "It was an absolute disgrace. If we behaved like that at school, we'd be turfed out."

Let us be honest. In the public forum we have real estate agents at the top, used car salesmen in the middle, and politicians at the bottom. Is it any wonder we are rated like that? We are given extreme power and privilege to be in this place and it is an honour. Our salaries are paid for by taxpayers, who would expect and demand and should be assured that they are getting value for money. What we saw that day was an absolute disgrace. It cannot be allowed to go on. Clearly, there needs to be rules in place. Clearly, that was demonstrated that day. The lack of rules to restrain the member that day allowed that farce to continue. To say that we do not need these rules is absurd. It is an argument that will completely fail, and I hope it does.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (10:48): In reply: I thank members for their contributions to the debate. This is important. This House decides the rules under which we operate. The reason this motion is before the House, and the reason the matter went to the Procedure Committee, is that we found a gap in the way in which our rules operate. Most people would be surprised that the rules that apply in this Chamber do not apply in our committees. We are trying to fill that gap. If a member misbehaves in the Chamber, it has consequences. The idea that there is a special reason why a member can misbehave in committees is a real problem.

Responding to a couple of the issues raised in debate, I say this is a carefully balanced and calibrated procedure. It is a sessional order—it is temporary—so it does not go into the standing orders. This House will decide what becomes the standing orders. This is a test to try to fill a gap that allows for different rules outside the Chamber to the ones in here. Some issues were raised around confidence in the committee Chairs. We have to have confidence in the Chairs and we have to have confidence in the President. They are elected by members according to the democratic process that is set out in the rules of this House. All the Chairs, no matter who they are, should be treated with due respect. Members should follow the rules and assist them to run an orderly, democratic process, which is actually their job. There is some personal responsibility that comes with that as well.

I do not intend to speak for much longer other than to say that the basic point is that no member should be called to order 26 times. Members get three chances. There is a chance to be pretty robust, and all of us have been up for that over many years, but there is some personal responsibility that must be accepted. People outside this place are watching what we do, what we say and how we model difficult decision-making and conflict management. Our job is to manage conflict and make decisions about what we think is best for the people of

New South Wales. That requires rules and personal responsibility. I lament the fact that such a rule needs to be implemented after the almost 200-year history of this place. It has never been a problem before but now that we have seen it, we cannot walk past that standard. All members must fulfil their roles as robustly as we must, but also in a way that upholds community standards and is consistent with the way we should behave in this place.

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

Motion agreed to.

INITIATION OF PUBLIC BILLS

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (10:51): I move:

That, during the current session, Standing Order 140 be varied to read:

- (1) A bill, other than a bill received from the Assembly, must be initiated by a motion for leave to bring in a bill.
- (2) A motion for leave to bring in a government bill may be moved on the same sitting day notice is given, provided notice is given during formalities.
- (3) A member having leave to bring in a bill must present a copy to the House.
- (4) The title must agree with the order of leave, and no clause may be inserted in a bill which is irrelevant to its title.
- (5) A bill not in accordance with the order of leave, or with the rules and orders of the House, will be ordered to be withdrawn.
- (6) The precise duration of every temporary bill must be expressed in a distinct clause at the end of the bill.
- (7) A second bill may only be introduced under the original order of leave when the order for the second reading or any subsequent stage of the original bill has been discharged.
- (8) When the original bill is withdrawn, the order for the introduction of the second bill may be read.
- (9) On every order for the reading of a bill the short title only will be read.

This motion has come about as an attempt to manage the flow of Government business between the Houses and help reduce the likelihood of late sittings. It was prompted by discussions in the Procedure Committee and conversations with individual members and staff of the Parliament. Currently in the Legislative Council, unlike in the other place, a notice for all new Government bills must be given at least one day prior to the bill being introduced. Given the Legislative Council usually sits in a fortnight block, that means that all new bills given notice of on the first Government business day of a sitting fortnight cannot be progressed through all remaining stages until the final Government business day of a sitting fortnight. That is the same day, members would have noticed, that the Government receives and deals with all new bills that have come from the other place. Practically that means that Government bills are concentrated on the final day of a sitting fortnight.

With the changes under this sessional order, the Government could give notice of a bill and introduce it on the same day. That is the same procedure used in the other place for Government bills. This sessional order would not make any changes to the amount of time members are able to consider the text of a bill, which will remain as five clear calendar days. The only thing that will change is that the Government will be able to spread its business across both days of the second week of the sitting fortnight, rather than just the final day. It is our hope that this will enable the Government to reduce the frequency and likelihood of late night sittings being required to pass urgent legislation through both Houses while maintaining the ability for all members to participate in a fulsome debate and consideration of bills. I commend the motion to the House.

The Hon. EMMA HURST (10:53): I was the one who objected to this motion when the Government moved it during formal business yesterday. I want to be clear as to why I objected to it. It has been 18 months now and I have had various promises from Labor members that the issue would be fixed and that they would work to make sure that it does not continue to happen. I have brought this issue to the House on several occasions but the same issues are occurring despite multiple conversations and attempts. I genuinely get no joy in pointing out that it was easier to work with the Coalition when it was in government. Ministers would often come to my office to talk about bills. They would offer early briefings, take telephone calls and reply to text messages. Generally the communication was really good. There was often a heads-up and timelines on when to expect legislation in the House so that if we had amendments, there were early conversations. Whether those amendments would be agreed to or not were difficult conversations but we were not surprised by pieces of legislation suddenly appearing.

Generally, I cannot say the same for Labor. There are a few Labor Ministers who are making that same effort—I thank them and hope they know who they are—but passing this motion makes the situation with Ministers who are not working with the crossbench or the Opposition even worse. Despite Labor's promises of transparency and open government, a couple of Ministers have been very difficult to work with and to get information from despite consistent efforts on my office's part. We are already stretched, so my team having to

call seven, eight, nine or 10 times for an answer and having multiple text messages ignored over weeks, sometimes months, is concerning. We have escalated those concerns to the leadership of the Minns Government, yet the problem still exists.

The result is that often we do not find out about significant bills until the crossbench briefing on Tuesday. We have to scramble to prepare during an already busy sitting week. There is even the possibility that a bill may not even be brought to the crossbench briefing—I do not know whether that is actually a requirement—so that is another concern. Often Ministers are missing from those crossbench briefings. That is not one particular Minister; that seems to have crept in to the crossbench briefings generally with the Labor Government. Sometimes a Minister from the Coalition Government would be missing if they were caught in traffic or something. However, it has become almost a pattern in the crossbench briefings with the Labor Government. Even though staff are there to brief us on the bill, they often are not able to answer any questions.

It is going to be continually problematic. Members know how stressful it is when the Government puts several urgent bills on the table. I am concerned that this motion is going to put more time pressure on the Opposition and the crossbench and the situation will continue to get worse. If the Government is given the ability to introduce and second read a bill on the same day, it may reduce not just the amount of time we have to prepare but also the ability to have those early discussions around amendments before us moving them in the House. Those conversations can be really fruitful. It could be that somebody picks up a mistake in the bill. We do not necessarily want to embarrass the government of the day; it can be fixed behind closed doors before we debate it in the House. As I mentioned, members of the crossbench have only two staff. Although I understand there will still be five days to consider a bill, there is a huge amount of legislation, so reducing the time that we have to prepare puts us under more pressure. At the moment, if the long title of a bill is published on Tuesday, the House probably will not debate it for some time, so that gives us that extra time to prepare.

If every ministerial office in the Government worked effectively with us, was willing to keep us in the loop about bills and give us appropriate notice, I would not have any concern with this procedural change. However, that is not the case. I do not accept the premise that it is forcing members to stay late on Thursdays. We did not have this issue in the last term of government. We do not need to stay late on Thursdays to debate bills. All it does is require a very small amount of pre-planning on the part of Labor members to make sure that the long title is put on the *Notice Paper* well in advance of when they are planning to debate it. That is the obvious solution, rather making things more difficult for the crossbench and the Opposition. I have spoken to various shadow Ministers who are having the same problems that I am with a handful of Ministers, so I know it is not just the crossbench experiencing this issue. On that basis I cannot support this change to the sessional order.

Ms ABIGAIL BOYD (10:59): I am aware that I have only got about one minute, so I might fill the time and continue later. I briefly associate myself with the Hon. Emma Hurst's comments. I have a lot of sympathy for what she said. I echo her comments that, on the whole, it was easier to know what was happening in the previous term of Parliament than it is in this one. I know that the Government is trying to work on how to get its workflow steadier, but it is quite frustrating and very patchy. It depends which Minister you work with as to what response you get. Being told something that you could just read is not the same as having the opportunity to talk with a Minister about a particular piece of legislation that is coming up. In the interest of time, I will rest there and say that I am sympathetic with what the Hon. Emma Hurst has said, but I understand that the motion is going through today.

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

Questions Without Notice

FIREFIGHTERS INDUSTRIAL AWARD

The Hon. DAMIEN TUDEHOPE (11:00): My question is directed to the Treasurer. The Fire Brigade Employees Union [FBEU] has stated that "after months of negotiations, not one of our claims has been agreed to. The State Government has not demonstrated any interest in working with us to deliver fair pay and conditions for our firefighters. These negotiations have failed to demonstrate the fair and more collaborative bargaining process guaranteed by the Minns Government." Are the fires wrong?

The Hon. DANIEL MOOKHEY (Treasurer) (11:00): I thank the shadow Treasurer for his question. I take this opportunity to thank the Fire Brigade Employees Union for getting its award application in on time. The FBEU does not miss deadlines. It does not miss an opportunity to make sure that its claim is present and that it is at all of the relevant proceedings that involve the union. There is a lot that we can learn from the diligence that the FBEU applies in making sure that it satisfies its basic legal obligations to participate in processes.

The Hon. Damien Tudehope: Point of order: I know that the Treasurer thinks he is the Government clown. He demonstrates that regularly. The question was directed specifically to the negotiation process of an

award and the comment made by the Fire Brigade Employees Union about the efficacy and manner in which that process is operating.

The PRESIDENT: The Leader of the Opposition's introductory remarks to his point of order are unhelpful. Nonetheless, the point of order is valid. The Treasurer has made his point. I bring him back to the substance of the question.

The Hon. DANIEL MOOKHEY: I accept the ruling. I make the point that the FBEU is engaged in the bargaining process with the Government. I understand that the shadow Treasurer has taken special interest in the FBEU matter. I know that he wears the FBEU's T-shirts to mock the union. On the floor of the Chamber, he presents himself as an ardent champion of the FBEU—

The Hon. Damien Tudehope: Point of order: I renew my earlier point of order. I will resist making any comments about the Treasurer's performance.

The PRESIDENT: I thank the Leader of the Opposition for his courtesy. I uphold the point of order. The Treasurer will come back to the question.

The Hon. DANIEL MOOKHEY: I strongly encourage the shadow Treasurer to wear his FBEU shirt on local government election day because he cannot wear a Liberal one, it seems. I encourage him to grab the shirt on 13 September, put it on—

The Hon. Damien Tudehope: Point of order: Mr President, if the Treasurer continues to flout your ruling, I ask that you invite him to sit down.

The PRESIDENT: It is funny to some, but it is not in order. The Treasurer will come back to the question.

The Hon. DANIEL MOOKHEY: I think I have made my point. With respect to the FBEU negotiations, I well and truly accept that the FBEU has articulated a sense of frustration with the Government's position, which is the union's right. But I point out that the Government resolved an award with the FBEU in November last year that addressed issues that were left to the side for years by the shadow Treasurer when he was the Minister for Employee Relations. The Government was bargaining with the FBEU before it was sworn in.

I recall that on the day of the election, Labor had to intervene in the proceedings out of the Industrial Relation Commission as an interim ministry to preserve the right of the FBEU to negotiate. The FBEU, in its 2023-24 award, made more progress on its award claims under this Government's new system in eight months than it did in 12 years. I say two things to my good friends at the FBEU: First, the new system worked for last year's award and, second, the system is working now because the FBEU has access to an independent umpire that it did not have under those opposite.

The PRESIDENT: I welcome to the gallery year 11 legal studies students from Inner Sydney High School and their teacher Jade O'Brien. You are all very welcome here to observe the proceedings.

SOCIAL HOUSING

The Hon. ANTHONY D'ADAM (11:05): My question is addressed to the Minister for Housing. Will the Minister update the House on how the Government is repairing social homes and what that means for residents?

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) (11:05): I welcome the question. I am pleased to update the House on the progress that the Government has made on the maintenance of public housing, which was deprioritised under the previous Government. This Government had a huge job to lift the quality of the stock of over 100,000 public homes in New South Wales. The Government has brought the management of public housing maintenance back in house. As of 1 July the Government is back in charge of maintaining one of its biggest assets: the over 100,000 public homes owned by the New South Wales Government. Tenants' maintenance requests will now be directly managed by Homes NSW. That is an important step to ensure that tenants have their issues responded to promptly and get the level of service that is expected for tenants of the New South Wales Government.

On top of the change in the way the maintenance contract is managed and bringing those contracts back in house, the Government has also added \$1 billion in the recent budget for public housing maintenance. That is an important change. People would recall that under the previous Government, there was never one dollar directly contributed from consolidated revenue to public housing maintenance. The only way that maintenance was funded was from the sale of other public housing. The Government has changed that around and contributed \$1 billion. Previously, I was of the view that the system operated in the way that it did because the previous Government did not care about public housing maintenance, did not prioritise it and did not want to spend money maintaining

public homes. I now suspect that perhaps there was a plan to spend money on public housing maintenance, but those opposite did not get the papers in to the Expenditure Review Committee on time.

Is it incompetence or is it not caring? Who cares? This Government is managing the system now. It has put \$1 billion in and brought the management of contracts back in house. That is on top of the wonderful work done with the Commonwealth on vacant restorations. The Government had a target of fixing up 290 dilapidated, boarded-up homes and getting families into them. I am pleased to update the House that the Government has exceeded that target. Over 300 homes have now been restored because of the partnership with the Commonwealth. That is more homes for families to live in, less boarded-up homes that are eyesores on our streets, better management of maintenance contracts and more money for maintenance. It is game-changing for tenants. The Government has gone from being one of the worst landlords in the State to being on track to be one of the best.

OPAL MINING

The Hon. SARAH MITCHELL (11:08): My question is directed to the Minister for Natural Resources. Will the Minister confirm that she has received a copy of the final report of the independent review into small-scale titles for opal mining conducted by Terry Sheahan? If so, will the Minister make the report public? Will the Minister consult with impacted stakeholders before implementing any recommendations?

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:08): I thank the honourable member for her important question about the small-scale titles system, colloquially known as the opals industry. It is a significant issue, and one that I have spoken about in this Chamber a lot. One of the first things that I had to do after being sworn in as the Minister for Natural Resources was fix the enormous bungle of the previous Government, where it had issued titles incorrectly. As a result, I had to take the serious action of stopping all mining across those communities.

As I have on many occasions, I acknowledge the importance of opal mining to the Lightning Ridge and White Cliffs communities. Those beautiful and precious stones are not available anywhere else in the world. Because of the bungling by members opposite, I was forced to take drastic and significant action. We undertook a long process. I visited the communities.

The Hon. Sarah Mitchell: Point of order: While I appreciate the Minister is giving the history behind the review, my question was very specific as to whether the Minister has received a copy of the final report, whether it will be made public and whether the Government will consult with anybody on the recommendations. The Minister is more than halfway through, and I would not mind an answer to the question I asked.

The Hon. Stephen Lawrence: To the point of order: The Minister is providing important context to the question, particularly concerning whether the report is to be made public.

The PRESIDENT: I agree with the Hon. Stephen Lawrence, but I also agree with the Hon. Sarah Mitchell. The Hon. Sarah Mitchell's point was that she understood the context was important but that she had asked three specific questions. I invite the Minister to answer those questions.

The Hon. COURTNEY HOUSSOS: It is a significant issue that I have done an enormous amount of work on. I acknowledge the local envoy, the Hon. Stephen Lawrence, who is from the far western area and with whom we have worked closely on the issue. As I have canvassed extensively, the initial part of the response was to reissue the titles to enable people to recommence mining. The second part of the response was to do a comprehensive review because of the neglect by the previous Government. The department commissioned the Hon. Terry Sheahan and others to work on the report, and a significant body of work has now been completed.

We are carefully considering for the first time whether we will undertake further reforms. It is clear from my conversations with the community, the Lightning Ridge Miners Association, other mining associations, NSW Farmers, landholders and the Crown trusts that I met with when visiting Lightning Ridge that a range of significant issues were not addressed by the previous Government over 12 long years. We will carefully consider the report and work with the communities as we seek to implement it.

The Hon. SARAH MITCHELL (11:12): I ask a supplementary question. When the Minister says she will carefully consider the report, is it confirmation that she has actually received the report as the Minister?

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:12): I pay tribute to the Hon. Stephen Lawrence for his important work with me on this. I also give a shout-out to the member for Barwon, Roy Butler, whom I have met with—

The Hon. Sarah Mitchell: Point of order: The supplementary question simply asked whether the Minister has a copy of the report. The people of Lightning Ridge and White Cliffs want to know whether it is on the Minister's desk. It is a yes or no answer.

The PRESIDENT: I will not instruct the Minister to answer either yes or no, but I will instruct her to answer the question that has been asked.

The Hon. COURTNEY HOUSSOS: As I was saying, I thank the member for Barwon.

The Hon. Sarah Mitchell: Point of order: The Minister is deliberately flouting your ruling. You said that she needs to address the question. The Minister has gone back to talking about the member for Barwon, whom I did not reference in my supplementary question. I want to know whether or not the Minister has a copy of the report. It was a specific supplementary question about a very serious issue.

The PRESIDENT: I uphold the point of order.

The Hon. COURTNEY HOUSSOS: I acknowledge the comments of the shadow Minister. It is indeed a really significant and important issue. I have spoken about it in the House many times. This is the first time that members opposite have sought to ask me a question about it, and yet they interrupt me as I am paying tribute.

The Hon. Dr Sarah Kaine: Point of order: My point of order goes to not only the shouting but also the barrage of commentary from Opposition members at the table directed at the Minister as she is trying to answer the question. Granted it may not be in the way the Opposition is seeking.

The Hon. Natalie Ward: To the point of order: The Minister's comments incited responses from members on this side. We were merely responding. None of that is okay, but there is give and take. When comments are made to provoke members, members will respond. If those comments are not made, there will not be responses. I ask you draw the Minister back to the specific question that was asked.

The Hon. Penny Sharpe: To the point of order: Interjections are disorderly at all times. That was a nice try by the Hon. Natalie Ward to explain bad behaviour, but it is not allowed to happen.

The PRESIDENT: I once again welcome students from Inner Sydney High School to this extremely excellent question time! In all seriousness, I understand there is tension in the Chamber. Let us now move into a more collaborative phase in which the Minister will answer the question that has been asked.

The Hon. COURTNEY HOUSSOS: I acknowledge that this is an important and significant issue. The Government, I personally, my office and our department have done a huge amount of work to fix the mess created by members opposite. Of course I will release the report publicly. That is what the Government believes in. There is no gotcha moment here. We commissioned the report that members opposite neglected to work on for 12 long years. Of course we will work with local communities. That will include the Hon. Stephen Lawrence and the excellent local member, Roy Butler, who is consistently in my office to talk about and resolve issues. The Opposition has never requested a meeting with me to discuss this.

The Hon. Sarah Mitchell: Point of order: I again raise the issue of relevance. My supplementary was very specific. Has the Minister received the report? I still do not have an answer to that question.

The PRESIDENT: There is no point of order. The Minister is being directly relevant.

The Hon. Sarah Mitchell: Has she got it? Has she read it yet?

The PRESIDENT: I have said on numerous occasions that Opposition members peppering Ministers with questions is disorderly. It will cease.

The Hon. COURTNEY HOUSSOS: It is a really significant issue that I personally and a range of Government members have sought to work collaboratively on with the community and their local representatives, but I note the National Party has never approached me on this issue. [*Time expired.*]

BISPHENOL A

The Hon. TAYLOR MARTIN (11:17): My question is directed to the Leader of the Government. There was some interesting and insightful coverage last week, including on the front page of *The Australian*, regarding the important research by the Florey Institute of Neuroscience and Mental Health, which found a link between bisphenol A [BPA] levels in the womb during pregnancy and autism in young children, particularly males. Will the Government take steps to ban BPA in food packaging, water bottles and thermal receipt paper, amongst other items, in New South Wales?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:18): I thank the honourable member for the question. It is a really

important one. Bisphenol A, or BPA, has been found in many plastics. Over time, it has been found to be problematic. There has been a range of I would say mostly voluntary efforts to deal with things like shopper dockets, receipts, baby bottles and other plastic products. Some have been phased out over time, but the member is right that there is not a comprehensive approach to how the Government is dealing with it. Under the current Australian food standards, there is a suggestion that BPA is not a significant risk. This is speculation, so I do not want to mislead the House, but I believe that through the NSW Food Authority there has been quite a large phase-out.

I do not think we are considering a ban, but I will come back with more information about what the Environment Protection Authority [EPA] is doing. Obviously, the EPA is in charge of things that impact human health. The member may remember that the Government passed the Industrial Chemicals Environmental Management Standard legislation last year, which is intended to provide a way for us to manage difficult chemicals. I will provide more information on the question, but the Government accepts that there is a problem. I will find out what action has been taken and under what framework. I also point out that work is being done on the national level. I will consult with my colleague the Minister for Better Regulation and Fair Trading, Anoulack Chanthivong, and raise the matter on the member's behalf.

AVIAN INFLUENZA

The Hon. PETER PRIMROSE (11:20): My question is addressed to the Minister for Agriculture. Will the Minister update the House on how the New South Wales Government is fighting the spread of bird flu?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:20): I thank the honourable member for his very important question. As I have previously advised the House and the public, the Government continues to manage an outbreak of avian influenza, or H7N8, that occurred in the Greater Sydney Basin a month or so ago. To date, avian flu has been detected in three commercial premises in New South Wales and the Australian Capital Territory, and there have been five detections in individual, privately owned domestic birds. Four have been within the New South Wales restricted emergency zone and one within the Australian Capital Territory restricted area.

The New South Wales Government has response plans for avian influenza. Thankfully, to date, they have been successful. I thank the industry for being prepared for this scenario and for working closely with the Government to manage the outbreaks that occurred in the Hawkesbury region. The Government has worked closely to support the Australian Capital Territory in dealing with the outbreak on a property there. Our Government took swift action to control movement and put biosecurity orders in place to prevent the spread of avian influenza from the affected properties. Unfortunately, that involved significant depopulation, but that was required to protect the rest of the State's chicken and egg production and to stop the spread of that flu. Significant work was done to clean out and disinfect those properties.

I thank the community. There were implications for egg production, and there were temporary shortages of eggs in some supermarkets, resulting in restrictions on the quantity of eggs that people could purchase. The Government worked very closely with the supermarket sector and other suppliers to ensure that was managed well. The community was very understanding and worked with us to get through that period. I was particularly concerned when McDonald's put restrictions on its breakfast burgers! Thankfully, the community understood that it was a temporary issue and that it was important to get that flu under control. The New South Wales Government is also working closely with the Federal Government. It is a national response to a national issue. I welcomed the announcement today that the Federal Government is conducting an operation to prepare for any further cases of avian flu that may occur in spring. It has invested \$7 million to test wild birds so that Australia is as prepared as possible if the virus reaches our shores again.

LOCAL GOVERNMENT LIBERAL PARTY NOMINATIONS

The Hon. TANIA MIHAILUK (11:23): My question is directed to the Special Minister of State. In spite of corruption findings, ICAC raids, Aldi bags full of cash, and developer and illegal donation scandals, NSW Labor always manages to contest general elections and lodge its nominations. The New South Wales Liberal Party failed to meet the Electoral Commission deadline and thus failed to nominate across a number of councils. The Special Minister of State has responsibility for the Electoral Commission. Does that failure reflect any Electoral Commission lodgement process issues, or is it just an own goal from the New South Wales Liberal Party?

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) (11:24): I am new to question time on the ministerial side. Ministers approach the Chamber with a sense of trepidation, wondering what will be hurled at them and whether the answer will be in the folder. Today is the day—I do not have an answer in

the folder for this question. Nonetheless, I thank the member for her question. At this stage, no serious Electoral Commission issues have been brought to my attention. But, as my colleague Ryan Park said publicly, the result is disappointing. Politics relies on a contest, and it is disappointing for the people of New South Wales not to have that contest in some areas. As a former party official who has dealt with nomination processes in the past—

The Hon. Daniel Mookhey: Did you get them in?

The Hon. JOHN GRAHAM: I dealt with them successfully in the past, but I felt a sense of dread as the message flashed across my social media. There but for the grace of God goes any party official. My thoughts are with the Liberal HQ at this difficult time. If there are issues with the administration of elections, of course the Government will take them seriously and deal with them. Anything else is a matter for the Liberal Party. I thank the member for the question. If my team has anything else to add, I will provide an update at the end of question time, or perhaps on notice.

TAXI INDUSTRY

The Hon. NATALIE WARD (11:26): My question is directed to the Minister for Roads, representing the Minister for Transport. Given reports of the increasing incidence of taxi drivers overcharging passengers, including tourists, the elderly and women travelling alone at night, does the Minister support the Opposition's proposal—supported by the NSW Taxi Council—to put QR codes in taxis?

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (11:27): There is an issue with people being able to know what they are being charged as they move around town. I have heard some details of the Opposition's position on placing QR codes in taxis. It was the subject of some discussion amongst Government members this morning, but the details were very hazy. I have always found the shadow Minister to be an articulate member of the Opposition, but on this occasion the details were not persuasively carried into the public realm—partly because the shadow Minister was being questioned about other matters of the day.

The Hon. Daniel Mookhey: What were they?

The Hon. JOHN GRAHAM: I will not detail those matters. I invite the member to spell out more details of the proposal. When it comes to cost-of-living measures, the Government is all ears about any changes it can make.

The Hon. Natalie Ward: Point of order: I am reluctant to take the point of order because I think the Minister is getting there, but the question was very simple: Does the Minister support the proposal? It was not about my articulation of the proposal. I welcome the Minister's positivity, but I am waiting for him to get to the specifics and be directly relevant about whether he supports it.

The PRESIDENT: There is no point of order. The Minister is being directly relevant. The Minister has the call.

The Hon. JOHN GRAHAM: I invite the Opposition to develop the proposal further and spell it out to the Government. We will be all ears if they are good measures, but we need more detail. The Opposition has to do the work on the detail of the proposal. There can be no cutting corners. If that is done, the Government will be very open to hearing some more about it.

The PRESIDENT: I welcome to the gallery students from St Charbel's College who are participating in the Legal Studies and the Legislature program conducted by the Parliamentary Education and Engagement team.

RURAL AND REGIONAL MUSIC INDUSTRY

The Hon. EMILY SUVAAL (11:29): My question is addressed to the Minister for Music and the Night-time Economy. What is the Government doing to support music in regional and remote New South Wales?

The Hon. Damien Tudehope: Here we go. I hope your performance is improving.

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) (11:29): I am open to tips from the Leader of the Opposition; I am just trying to fill the void he left. He provided us with such happy Thursday memories. I will continue with the discussion on music in regional areas, which I was asked about last week. I was able to update the House about some of the changes we have made together, including incentives for venues that are bringing back music in the bush and rebuilding touring circuits in inland and coastal towns. What I could not tell the House last week is that, on Friday, the Government announced that New South Wales will be the 2025 host of the Regional and Remote Music Summit.

The Regional and Remote Music Summit aims to support music storytellers in regional and remote communities, which represent 28 per cent of the country's population. The first summit was held in Darwin from 7 to 9 August 2024. It was a massive success. It was agreed that the event should continue and become an annual gathering taking place in a different Australian region each year. In 2025 it will be held in New South Wales. I could say that New South Wales is taking it home—on country roads.

The Hon. Damien Tudehope: Do not laugh!

The Hon. JOHN GRAHAM: That's good advice: Do not laugh and keep a straight face. To the place where it belongs—the Hon. Damien Tudehope could not keep a straight face, after all that advice. Come in spinner!

The Hon. Damien Tudehope: Take me home, West Virginia.

The Hon. JOHN GRAHAM: You've got a much better singing voice than I do.

The PRESIDENT: I wish Hansard good luck with transcribing all of that.

The Hon. JOHN GRAHAM: The announcement comes at a challenging time for the music industry. This is a sad month, with yesterday's announcement from Bluesfest that, after 35 years, 2025 will be its last. The festival industry is under challenge. I thank Peter Noble and the whole Bluesfest team for what they have done. Do not miss the final show. I have heard pitches from towns around the State that would like to host the summit. Driving down the road, I get a feeling that members may have some bright ideas. I simply say, "Country roads, take me home to the place I belong—Ulladulla, Broken Hill. Take me home, country roads."

ROSEHILL RACECOURSE

The Hon. MARK LATHAM (11:32): My question is directed to the Leader of the Government, representing the Premier. Why is the Government proceeding with an unsolicited proposal for the privatisation of Rosehill Gardens Racecourse when the evidence clearly shows that the Government, not the Australian Turf Club [ATC], solicited the proposal, making it a breach of the Government's own unsolicited proposals guidelines? As a further matter of impropriety, why did the Premier initiate that illegal process with his Labor friend Steve McMahon instead of dealing with the ATC chair and CEO, to the point where Chris Minns had Mr McMahon working on a press release for him announcing the full sale of Rosehill racecourse on 20 November 2023, before the ATC board had even considered the matter?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:33): I thank the honourable member for the question and for his ongoing interest in the matter. As the member is aware, the unsolicited proposal is currently at stage two—the development of a detailed proposal—and the final stage of negotiation, which is under offer. There is a fair way to go with this. As the member is also aware, the Australian Turf Club members need to sign off on the proposal before it progresses further. The Government is waiting on the proposal. We have made no secret of the fact that we believe—

The Hon. Mark Latham: Point of order: The Government has received the proposal; it is not waiting on it. The Minister is reading from a brief that is not relevant to the question that was asked. Why is the Government proceeding with an unsolicited proposal that it, in fact, solicited?

The PRESIDENT: The Minister is being directly relevant. There is no point of order.

The Hon. PENNY SHARPE: I make the point—and the member knows this—that I do not use a lot of notes, but I like to provide the House with accurate information. The unsolicited proposal is going through the process that needs to be undertaken. The Government has made no secret of the fact that it believes the opportunity at Rosehill is important. It is literally a city-shaping opportunity. The idea that we could create a new housing precinct in that area is one that we are very excited about and that we believe is really important as we deal with the challenge of housing in Sydney and more broadly in New South Wales. There are not many sites within Sydney where we could do that. We have made no secret of the fact that we hope the proposal comes to fruition. But let's be clear: The Government is following a very strict, set out and transparent process on how such matters are considered. There is a fair way to go in moving through that process, and we will continue to do that.

The opportunity at Rosehill is important. We have talked a lot about housing this week. There has been a lot to talk about; the Government is trying to do everything it can to make sure families and, particularly, young people can afford to build a home and live in this city. That is what we are trying to do. We are also trying to deal with people who are finding it challenging in the rental market. We are working through those processes. We are building homes for the first time in many years, with one of the biggest investments in building social housing since World War II, so people can find a home in the city. Of course, we also rely on private development.

Members had a long and interesting conversation about transport oriented developments yesterday, and this Government wants to make sure that it deals with the housing crisis so that people stop leaving the State. We continue to deal with that. [*Time expired.*]

The Hon. MARK LATHAM (11:36): I ask a supplementary question. Will the Minister elaborate on the Government's handling of this matter? In particular, why did Chris Minns dishonestly list in his diary that his 30 October meeting with Steve McMahon was a meet and greet with the Australian Turf Club when it was a meeting to start the process for the full sale of Rosehill?

The Hon. Dr Sarah Kaine: Point of order: Those questions are under live consideration by a committee in an inquiry, and the committee has not come to any conclusions or had all of the evidence presented. It is my understanding it should not, therefore, be the subject of questions at question time.

The Hon. Chris Rath: To the point of order: On that basis, any matter currently before a parliamentary inquiry could not be asked about in question time or put forward in a motion. Given the public interest in the issue of Rosehill racecourse, I think it is fair and reasonable that the House be given an opportunity to ask Ministers about it.

The Hon. Stephen Lawrence: Point of order: I suggest there is also argument in the supplementary question, because it makes an assertion of dishonesty.

The Hon. Mark Latham: To the point of order: If the Premier of New South Wales listed a meeting in his diary for 30 October as a meet and greet but, in reality, the meeting was much more than a meet and greet and was a meeting with his friend Steve McMahon for the full sale of Rosehill racecourse, that is fundamentally dishonest.

The PRESIDENT: The Hon. Chris Rath is quite right in relation to the point of order taken by the Hon. Dr Sarah Kaine. There is no point of order. In relation to the point of order taken by the Hon. Stephen Lawrence, I will let it go on this occasion. However, I remind all members that questions should not contain argument. I contend that this supplementary question arises out of the answer given. Therefore, I will allow it on this occasion.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:39): I refer the member to my previous answer.

BELUBULA RIVER WATER CONTAMINATION

The Hon. WES FANG (11:39): My question is directed to the Minister for Water. Given the emerging evidence of long-term environmental and health risks from PFAS, and considering that communities downstream from the Belubula River and Lachlan River such as Forbes, Condobolin, Lake Cargelligo, Hillston and Booligal draw surface water from this system where contaminants can accumulate, what specific measures is the Minister taking to ensure that these communities are not exposed to long-term contamination risks?

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) (11:40): I thank the honourable member for his question. It arises out of an issue raised in question time yesterday by Ms Cate Faehrmann, who directed a question to the Minister for the Environment. It is an important question and an important issue. I refer the member in part to the answer given yesterday by the Minister for the Environment. We are aware that there have been reports from local landowners that PFAS has been found in the area around the Belubula River. The Environment Protection Authority [EPA] has been on site conducting testing. To the substance of the question, as the Minister for Water, I have been working with the EPA on this testing.

The Minister for the Environment has responsibility for the EPA. She indicated that she would follow up with the EPA on the status of that testing. I confirm that the EPA has been on site and has conducted testing. I have been working with both the Minister for the Environment and the EPA on this testing. We take water quality issues extremely seriously. As the member is aware, the responsibility for the delivery of drinking water in those communities sits with local water utilities. It is not a direct responsibility of the New South Wales Government, although that is not to say that it will step away from the role that it plays. Local water utilities are almost always local councils and sometimes county councils. We will be working with local water utilities to make sure they have all of the information they need. If they have any requirements for testing support, we are happy to step in, and this is something that we do regularly.

I am not aware of any requests that have come through from those local water utilities at this stage. I give the member an assurance that if any requests come through from the local water utilities who deliver the drinking water in those communities, we are happy to partner with them as soon as we get clear information from the EPA. We will work with local water utilities in those communities to ensure that testing and community notifications

are done if necessary. I am not aware that any of those requirements have been brought to our attention at this stage but, if we receive any, I will happily pass them along to the member. I acknowledge this issue and thank the Minister for the Environment and the EPA for the role they have been playing. I will continue working with them if there are any further issues.

The Hon. WES FANG (11:43): I ask a supplementary question. I note the Minister's answer relating to the testing regime that has been rolled out. Considering the concerns about the high PFAS levels and the fundamental right of every community to safe and secure water, will the Minister commit to funding the upgrading of water filtration plants in these communities?

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) (11:43): At this stage my advice is that it is unclear if PFAS has been detected in the water at a high enough level to make the water unsafe to drink. It is important to put this on record. The EPA is conducting testing and we welcome our partnership with it. NSW Health manages drinking water guidelines, and we also have a relationship with it. To be clear to the community: There is nothing to suggest that there is any PFAS in the water above safe drinking water levels at this stage, but the work of the EPA is ongoing.

If there are local water utilities anywhere in New South Wales that think that their water filtration plants are not at a standard that they would like, we welcome a dialogue with them. That is a big part of the work that we do with the local water utilities. They have primary responsibility for the delivery of local water infrastructure, they collect the water rates and they charge the people in local communities for the upgrade and maintenance of water capital infrastructure. If they have concerns that the infrastructure is not adequate then we welcome a dialogue with them, but they still have primary responsibility. I am in constant dialogue with local water utilities and my door is always open.

EDUCATION POLICY

The Hon. BOB NANVA (11:45): My question without notice is addressed to the Minister for Finance, representing the Minister for Education and Early Learning. Will the Minister update the House on the Government's plans to lift education outcomes?

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:45): I thank the honourable member for the question. He has a direct interest in our education outcomes as he has four kids in school in New South Wales. I congratulate students from across New South Wales who sat NAPLAN tests. NAPLAN gives an important snapshot of learning for teachers, parents and students. Across the State, the NAPLAN results are being processed for communities from the northern beaches to Lane Cove, and from Camden to Wollongong.

They are working through the consequences of what happens when you do not do the homework that you were supposed to do. These results highlight the importance of getting the basics right. Skills such as literacy, comprehension and numeracy are very important in our modern society. You need literacy to read a form; you need comprehension to understand what has to be filled in; and you need numeracy to understand how to meet key deadlines and how to read dates.

The PRESIDENT: Order! There is too much audible conversation in the Chamber.

The Hon. COURTNEY HOUSSOS: Every student that undertook these NAPLAN tests commenced their schooling under the former Coalition Government. They live with the legacy of learning under those opposite.

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

The Hon. COURTNEY HOUSSOS: Under the former Government the system suffered from chronic teacher vacancies.

The Hon. Sarah Mitchell: This is declining standards.

The Hon. COURTNEY HOUSSOS: There is some miserable muttering coming from across the table.

The PRESIDENT: I call the Hon. Sarah Mitchell to order for the first time.

The Hon. COURTNEY HOUSSOS: The member opposite was consistently advised about chronic teacher vacancies, but she refused to listen. She launched a recruitment program that recruited exactly 11 teachers in two years. That international program cost \$14 million.

The PRESIDENT: The Minister will resume her seat. It is untenable for the Minister to give her answer if a member sitting directly opposite her continues to talk at her the entire time.

[An Opposition member interjected.]

The Hon. Sarah Mitchell will not talk back to me. I understand that the member is the Deputy Leader of the Opposition, and I extend latitude to members at the table, but the interjections must cease.

The Hon. COURTNEY HOUSSOS: Despite promises to convert temporary teachers to permanent, not a single teacher was converted. I am delighted to update the House on what this Government has done to improve education outcomes, and on the excellent work done by the Deputy Premier. Teachers have had their first real wage increase in a decade. They have gone from the worst paid teachers in the country to the best paid teachers in the country. More than 16,000 temporary teachers have converted to permanent teaching positions. This has fundamentally changed outcomes for those teachers and for the classrooms they are teaching in. Earlier this week I spoke about the important changes that are being made to the curriculum. This week might be just the reminder that we need about the importance of explicit teaching and making sure resources are directed where they are needed most. We do not want to leave kids behind. [Time expired.]

MOUNT WARNING

The Hon. JOHN RUDDICK (11:49): My question is directed to the Leader of the Government in her capacity as Minister for the Environment. I recently travelled to and climbed Mount Warning in the beautiful Northern Rivers region of our State.

The Hon. Damien Tudehope: Why weren't you arrested?

The Hon. JOHN RUDDICK: The Rainbow Serpent didn't get me. Having seen the extraordinary ecology, I am now convinced that the mountain is indeed sacred, but I agree with those local Indigenous voices who say, "Yes, it is sacred. It's so sacred that all should be able to experience it." I know the Minister inherited this mess, but when will the Government stop kicking the can, side with the overwhelming view of the locals and reopen Mount Warning to all, regardless of ancestry or gender?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:50): I thank the honourable member for his question. He is aware that there is a lot going on in relation to Mount Warning, also known as Wollumbin. Wollumbin-Mount Warning is protected as an Aboriginal place. That requires that plans of management are in place to look after the area. This is not unusual, and issues in relation to access vary according to how those are dealt with. It is important to understand that.

The member is also aware that the plan of management for Wollumbin released under the previous Government sought to stop people ascending the site. That is something that I have been reviewing. I have met with over 50 people in relation to this matter, over the last little while. There are significant safety issues with the site. The member would now be aware of those. I am glad that he was able to safely climb and get back down the mountain. A safety chain has fallen into disrepair as a result of bad weather. Any plan to reopen the summit trail would need to address safety matters. That is something we are looking at.

The point is, we can get the balance right in the way we manage Aboriginal places. They are all over New South Wales. All of our national parks are special places. The way in which we manage them is dependent on a whole range of factors. There are areas that are closed at specific points in time for various activities. Sometimes access to special places is denied because there has been damage through fire or flood. We recognise within our laws that there are Aboriginal places that we have seen fit to give special protection to and that require a plan of management.

Future access to Wollumbin-Mount Warning—we use dual names for a lot of special places in New South Wales—is a matter that requires further conversations. I have been meeting with many people, including some who the Hon. John Ruddick walked with. I have met with members of the Wollumbin Consultative Group, a large group of Aboriginal people with connections to Wollumbin. The group has been around for over 20 years and has very strong views about the way in which Wollumbin should be managed. I am committed to working through this issue in a careful way. Whether or not the Hon. John Ruddick is charged for climbing Mount Warning is a matter for the NSW National Parks and Wildlife Service. I would not seek to interfere in that decision, because that would not be appropriate. But the Government is giving careful thought to the issues raised by the member.

SYDENHAM TO BANKSTOWN RAIL LINE

The Hon. RACHEL MERTON (11:53): My question is directed to the Minister for Roads, representing the Minister for Transport. The Rail, Tram and Bus Union [RTBU] has recently slammed the New South Wales Government over its decision to continue with the metro conversion of the Bankstown rail line, raising safety concerns about the project. Is the RTBU right about the Sydenham to Bankstown metro?

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (11:53): I thank the member for her question and her interest in transport issues. It is somewhat surprising to be attacked by the Coalition over a project it initiated. The Coalition's whiplash between claiming credit but complaining about the outcomes is evident in this question.

The PRESIDENT: Order! Members will give the Minister a chance to answer.

The Hon. JOHN GRAHAM: It is surprising to hear the Coalition take this view. I am aware of some of the issues raised by the Rail, Tram and Bus Union. I am not aware of all of its commentary on these transport issues. However, the Government's position on the metro lines is clear; it is proceeding with them. Of course, the RTBU and workforce are very important stakeholders, and the Government will deal with them respectfully. I think it goes without saying, for all members of the Chamber, that safety issues will be dealt with in a most serious way. That is how it should be. With those comments, and I do not think there are any surprises here, the Government's position is that it will continue with the metro projects.

The Hon. RACHEL MERTON (11:55): I ask a supplementary question. Will the Minister elucidate his answer in light of the RTBU's track record of taking disruptive, industrial action, directing and imposing its views on safety matters on the government of the day, and inform the House what advice has been given about the likely impact of delaying the Sydenham to Bankstown metro?

The Hon. Mark Buttigieg: Do you want an unsafe workplace?

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) (11:55): I will reiterate that view: Safety is important. We are not going to second-guess that. The member is right to be asking this question, but perhaps it is a product of her not being here in the last Parliament, particularly during the last set of estimates hearings, because the question of the RTBU and its relationship with former transport Ministers was the subject of some controversy. I will make it clear that one of the ways the Government will deal with this is to make sure there are respectful arrangements, that people have each other's phone numbers—

The Hon. Damien Tudehope: I have Alex Claassens' number, mate. Don't worry about that!

The Hon. JOHN GRAHAM: I have no doubt about that—I say that to the Leader of the Opposition, through you, Mr President. We will deal directly with the workforce and the unions. Of course, our Ministers will also deal with our secretaries. One of the first things I did as Minister, because I promised the Chamber I would, was to hand my mobile number to the incoming secretary of Transport. That was a lesson I learnt from one of the former transport Ministers. I will not name him, because he is doing important work in the civil engineering space. But that was a lesson I learnt as a keen, up-and-coming Opposition member: If you are the Minister, hand the transport secretary your phone number and, if the phone rings, make sure you answer it.

MOUNT GRENFELL HISTORIC SITE

The Hon. STEPHEN LAWRENCE (11:57): My question without notice is addressed to the Minister for Heritage. Will the Minister update the House on the significance of the twentieth anniversary celebrations of the Mount Grenfell Historic Site?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:57): I thank the member for his question and the opportunity to speak about the Mount Grenfell 20-year celebration, which was held in July this year. On 12 July 2004, under then Labor Premier the Hon. Bob Carr, and then environment Minister Bob Debus, the Mount Grenfell Historic Site become the second national park in New South Wales to be handed back to traditional owners. It is one of seven parks in New South Wales under these arrangements. Joint management is a partnership arrangement that involves Aboriginal people and the State working together to ensure protection of the important cultural and natural assets of the land. Twenty years on, on 13 July, I was privileged to be a guest of the Mount Grenfell Board of Management and the Ngiyampaa Wangaapuwan traditional owners at their 20-year celebration of the hand-back of this historic site.

Mount Grenfell lands are incredibly significant to the Ngiyampaa community. Mount Grenfell is part of a network of dreaming lines that crisscross ngurrampaa, from Bourke and down past Ivanhoe in western New South Wales. It is an important teaching and learning place. The previous chair, Colin Clark, once described the site as "a living classroom". Being there for the anniversary, I witnessed that classroom in action firsthand, as Elders showed their children and grandchildren, and the local community, the amazing rock shelters that contain extensive galleries of Aboriginal rock art. There are over 1,300 paintings, which have been described as one of

the most significant and visually striking art complexes in New South Wales. The paintings have been dated at over 60,000 years old.

One of the most wonderful things about Grenfell is that the board has initiated a junior board, where valuable skills are passed down to the local younger generation. They are actively managing the Elders of the future. That ensures that the next generation of leaders in the community learn how to protect this important place and develop the skills to look after it. We heard from the chair, Denise Hampton, the previous chair, Colin Clark, and the Elders who have played an important role over many years, including Elaine Ohlsen, who was instrumental in the work of the original committee to establish the joint management arrangements.

It was fantastic to see over 100 people from the community there, including Aboriginal owners, the Cobar mayor, the chief executive officer of the Cobar Aboriginal Land Council and the neighbours of Mount Grenfell. I give a shout-out to the National Parks and Wildlife Service staff, including many Aboriginal staff, who ran the day and put on an important celebration for everyone. They demonstrated diligent care for the land and a long and enduring relationship with the Ngiyampaa community. I encourage members to visit next time they are near Cobar. It is a wonderful and special place. It shows what joint management can deliver, and it helps us to celebrate, acknowledge and look after Aboriginal places that have been in the care of the Ngiyampaa people for tens of thousands of years.

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

BELUBULA RIVER WATER CONTAMINATION

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (12:01): I update the House on the Belubula River, as I said I would. On 30 May and 4 July 2024 the NSW Environment Protection Authority [EPA] undertook water sampling in the Belubula River following the receipt of community concerns about water quality. The EPA received a community report about foam on the surface of the water on 4 July 2024. The EPA's sampling results do not reflect the PFOS levels reported by the community. Community members are yet to provide to the EPA the analysis they had done. I encourage them to do so. The EPA welcomes input from the community and would be happy to review and discuss their sampling.

The EPA is conducting an ongoing water sampling program of waterways in the vicinity of the Cadia Mine and the river to monitor quality. It is also liaising with NSW Health. As my colleague mentioned during question time, it is important to say that at this stage there are no concerns about drinking water quality. As soon as all of the sampling results are received and analysed—and I am advised that that should be completed next week—they will be made public. If the situation involving the water quality changes, the EPA will immediately inform the community. I encourage the community members who are concerned to work closely with the EPA. It is very keen to work through sampling. We need to make sure that we get it right, and we will do so.

Supplementary Questions for Written Answers

OPAL MINING

The Hon. SARAH MITCHELL (12:02): My supplementary question for written answer is directed to the Minister for Natural Resources. On what date did the Minister receive a copy of the final report from the independent review into the statutory framework for small-scale titles for opal mining conducted by Terry Sheahan?

ROSEHILL RACECOURSE

The Hon. MARK LATHAM (12:02): My supplementary question for written answer is directed to the Leader of the Government, representing the Premier. What legal advice has the Premier taken that he can legally proceed with the sale of Rosehill racecourse as an unsolicited proposal, given that in August and October of last year the Government solicited the initiative to sell Rosehill racecourse, and Mr Minns asked Will Murphy of the Cabinet Office to develop a position paper on how the sale could proceed, and on 6 November Mr Murphy came back recommending an unsolicited proposal?

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.

OPAL MINING

The Hon. SARAH MITCHELL (12:03): I take note of the answer given by the Minister for Natural Resources to my question about the review into the small-scale titles for opal mining. I put on the record that I encourage the Minister to be very careful with what she says in the House, particularly when it comes to being misleading. I will get to another issue in a moment. The Minister indicated in her answer that the National Party had never asked or approached her about this issue. That is incorrect. The transcript of the budget estimates held earlier this year very clearly articulates a number of questions that I asked the Minister about the review, including questions about consultation with the community and concerns of local landholders and farmers. So it is not correct to say that the issue has never been raised because it has been, and the transcript speaks for itself.

The reason I have raised the issue again is that a number of people from White Cliffs and Lightning Ridge are waiting for the outcome of the review. It was commissioned in 2023. The website clearly states that the final report will be handed to government in June 2024, which is now almost two months ago. This is not a small issue. The very livelihood of those communities, particularly White Cliffs and Lightning Ridge, which are at the core of the review, depends on the opal mining industry. It is not only miners; the whole community benefits from the tourism that comes with opal mining, including local pubs, clubs and shops. Everybody is hanging by a thread, wanting to know whether there will be changes, what the recommendations will be and whether they will be consulted.

Over the past couple of weeks I have met with a number of representatives from the Lightning Ridge community to talk about those issues. Earlier this year I was in White Cliffs for a few days to speak to the locals about it. It is not much to ask the Minister, "Do you have a copy of the report?" I understand that her department representatives are telling community members that it is on the Minister's desk. We could not even get clarification of that today. People want to know. They want to understand whether they will have a future in those very important regional communities. It is very disappointing that the Minister could not even say, "Yes, I have the report. We are looking at it." She did say that of course she will consider it closely and make it public, but she did not confirm whether she has even seen or read it. That is very disappointing. It is not about me; it is not about the National Party. It is about the people waiting to hear what the Government is going to do about a very serious issue.

Lastly, I remind the Minister that it is very important to be accurate and tell the truth. In her Dixie she made several remarks about how there were zero temporary-to-permanent conversions of teachers when the Coalition was in government. That is not true. She said that the Coalition spent \$14 million to recruit a handful of teachers. That is also not true. Members must tell the truth. They cannot make it up, or they will be held to account.

MOUNT WARNING

The Hon. JOHN RUDDICK (12:06): I take note of the response of the Minister for the Environment to my question about Mount Warning. I am disappointed to hear that there is more delay, and a decision has not been made. Mount Warning is the highest peak on the east coast of Australia, and it is a very charismatic mountain. It stands out. No wonder Captain Cook gave it a special name. When I arrived at Uki, I simply went into the local pub to ask for directions, as I was a bit lost. I did not leave that pub for about seven hours because every local wanted to talk to me, and 100 per cent of them were appalled by the closure. There was a broad spectrum of political views in there. Someone came up to me and said, "I know what libertarians believe, and we don't have much in common, but I want to thank you for your efforts to reopen Mount Warning." I met third- and fourth-generation locals who were absolutely insistent there was no discussion of Mount Warning being a sacred site prior to COVID. Under the cover of COVID, the previous Government brought in the rule that only Aboriginal men of a certain tribe are allowed to climb the mountain.

The academic debate about this question started about 20 years ago, but the locals certainly were not aware of it. It is wrecking the local economy. There are closed shops in Uki and the other surrounding little towns. It is turning into a ghost town. It is such a pretty little area. It used to be one of the best and most economy-generating tourist sites in New South Wales. One concern that this Parliament is not aware of, which I became aware of having visited the site, is the serious concern about back-burning. Because of this imbroglio, the locals have not been permitted by this Government to do back-burning in their own backyards. So there has been no back-burning for four years. They are petrified there will be a bushfire this summer because their homes and farms and the towns will not be protected. I urge the Government to find a way to let the locals at least conduct their own back-burning, which they will do voluntarily. Macquarie Street is prohibiting them from doing it.

The Minister said that there was a chain at the top of the mountain. It is very steep at the top. We were told the chain is not there because it eroded. That is not true. The Government took the chain down to seriously increase the risk of danger. I urge people not to climb the mountain unless they are professional hikers, unlike me, because it is dangerous. The Government is neglecting it. The Government is going out of its way to make it dangerous.

Mount Warning is a turning point. If we do not win this battle, national parks across New South Wales and the nation will be declared sacred sites based on no evidence. There is zero anthropological or archaeological evidence that this is a sacred site. I urge the Government to consider having a parliamentary public inquiry and stop apartheid in our national parks.

EDUCATION POLICY

OPAL MINING

BELUBULA RIVER WATER CONTAMINATION

The Hon. STEPHEN LAWRENCE (12:09): I take note of a few answers given in question time, firstly by the Minister for Finance, representing the Minister for Education and Early Learning. The question asked what the Government is doing about education standards. Among the things mentioned by the Minister, I thought what the Minister said about teacher vacancies was noteworthy. We have heard lots about this, but there has been a very significant drop in teacher vacancies since the election of the new Labor Government. That is attributable to a range of factors, not least of which is ending the wages cap and agreeing to appropriate wage increases. Recently I was particularly heartened to see a higher drop in vacancies in regional New South Wales, which is important because communities were being absolutely crippled by teacher vacancies. Innumerable classes were being held in playgrounds because teachers simply were not there.

I take note also of the answer given by the Minister for Natural Resources to the question of opals and the small-scale titles review that is underway. I played a modest role as the local envoy on behalf of the Minister. I was very happy to have the opportunity to sit down with Mr Terry Sheahan and talk about the issues. Mr Sheahan is a wise and erudite man, so I am very confident about having him in this role. The review is a really vexed issue. Opal mining in Lightning Ridge and other places is basically a land use conflict. Mining is always a difficult matter. There are many small-scale titles, and landholders have raised lots of issues about their interface with miners. It is not a simple matter, but the Government did a very good thing in appointing Mr Terry Sheahan. He is a man of great experience and wisdom who will have a sharp focus on the issues.

I take note of answers given by the Minister for Water about PFAS issue in the Forbes area. It is always very concerning to hear about PFAS. It is a concern for people in the area. When I was a councillor in Dubbo, we had a PFAS issue. I remember the alarm among a group of councillors when we were briefed on it and there was lots of community concern, but it transpired that the PFAS levels were not a threat to human health, which was good. PFAS is a chemical that basically stays around forever, but it is dangerous to human health only at certain levels. I hope residents in the Forbes area are not too concerned. The local council is dealing with the Environment Protection Authority in relation to it, which is good.

TAXI INDUSTRY

ROSEHILL RACECOURSE

The Hon. NATALIE WARD (12:12): I take note of the answer given by the Minister for Roads relating to QR codes, particularly his comment that it needed some more detail. I thought that was curious. Perhaps he should take his own advice about detail and this Government's approach to detail. Some Ministers are very good at their job, but others severely lack attention to detail. A couple of examples of that is the very thin approach to Labor's economic management, which is very vague. We do not know what is going on with pay rises, where there are caps, and who is getting a pay rise and who is not. It seems to be an all-in. If there is an infrastructure project down the road, then there is a window of opportunity to negotiate and hold New South Wales to ransom while the parties pick a number.

Regarding Rosehill, numbers have been put together on the back of a napkin. For example, "Here's Chris Minns. What do you reckon? Yes, \$5 billion. Yes. Pick a number: \$5 billion." We do not know. We have heard in the excellent inquiry chaired by the Hon. Scott Farlow, who has done a fantastic job, that the proposal was invited by the Government or the Government came up with it, but suddenly there are billions of dollars of value and then there is no value, and the Government has not spoken to the stakeholders. Talk about attention to detail—these are the very examples where the Government is off track, if I can use that pun intentionally.

Do not get me started on metro west detail. QR codes are an important opportunity for the Government to address a real problem. We have heard of so many examples of people getting into taxis when they have been ripped off or taken for a ride, or they have been charged triple, or for extra tolls. The passengers are well-meaning people—for example, tourists who arrive by planes from overseas and are excited to be in Sydney, and suddenly some taxi driver charges them four times the Uber rate. This is a very simple proposal. Women go home at night by taxis, as many women in this place do. We heard a story about a woman who did not bother to argue because she was on her own. She clearly had been ripped off. She did not know who the driver was. There was no security

or identification in the car. We know that the vast majority of taxi drivers are doing a great job. They are hardworking cabbies who are just trying to take home a dollar and look after people. Many of them are fantastic. The Taxi Council backs this in to keep them safe as well, to give them proper pay, but it also ensures their identification is in place so everyone can be safe and have a great trip, particularly the elderly.

We are all used to using QR codes. It is a really simple matter. The Government might be able to smack some heads together with the fantastic Service NSW, which the former Government also gifted to it, and get some QR codes in place to keep people safe. Clearly the current system is not working. It is not for me to give the Government a gift to resolve a problem. This solution puts customers at the centre of commuting. For once, the Government might want to consider the opportunity to make life better for the commuters and not just for the unions.

LOCAL GOVERNMENT LIBERAL PARTY NOMINATIONS

The Hon. TANIA MIHAILUK (12:15): I take note of an answer to a question I asked of the Special Minister of State relating to Liberals failing to nominate in a number of councils in New South Wales, which is extraordinary. There will be a lot more reflection on this issue in years to come. I made the comment in the preamble of my question that the Labor Party has gone through a great number of issues. All sorts of stuff happens in its party office. We have heard about ICAC raids, illegal donations, cash in Aldi bags. Just about anything has happened to the Labor Party in the last 15 or 20 years. But, no matter what, the Labor Party is capable of putting in nominations and contesting the local government elections. It is extraordinary that the Liberal Party in New South Wales has fallen downhill in recent months and years since losing the election that it is now incapable of lodging nominations for local government. I am talking about councils such as Canterbury-Bankstown being impacted. A number of wards in that area will not have Liberal councillors. What does that mean? It means more power to people like Tony Burke, who already controls a Labor council. The next term of council will be interesting, to say the very least.

Who are the winners out of this? I can tell the House what is not a winner—democracy and accountability. This is a disaster for the people of New South Wales. I was reading some comments by Ross MacDonald, a Liberal councillor in Queanbeyan, who is devastated. He will not be grouped into a ticket, and that impacts the Queanbeyan community, as well as Camden, Campbelltown, Northern Beaches and Lane Cove councils. Today Mark Speakman stated that he wants to see the back of the State director, but that is not enough. I have to say to the Liberal Party, and particularly to Peter Dutton, that I would be worried about the next Federal election. I would also be worried about allowing the New South Wales Liberal Party office to run the Federal election for him in this State. When it comes to campaigning for Federal election, it is a matter of make or break in New South Wales. The Labor Party and people like Anthony Albanese and Tony Burke, and their wise counsel in Sussex Street, would be delighted with what has happened to the Liberal Party. A political party that does not have its house in order will be in really big trouble when it comes to running proper campaigns.

The other concern I have reiterated throughout many of my speeches in Parliament is that people expect proper accountability at the local government level. We always want to see different oppositions on council because it is important to ensure that there is transparency and accountability in decisions. Peter Dutton should be looking a lot closer at what is going on in the New South Wales Liberal Party. [*Time expired.*]

FIREFIGHTERS INDUSTRIAL AWARD

The Hon. MARK BUTTIGIEG (12:19): I participate in the take-note debate to comment on the question from the Hon. Damien Tudehope and the answer given by the Treasurer regarding the Fire Brigade Employees Union [FBEU] negotiations with the Government. The champion of unions, the Hon. Damien Tudehope, neglected to mention that the union is concerned about the presence of electrical currents in the metro tunnels. The Opposition transport spokesperson, the Hon. Natalie Ward, has mentioned it in the past—and I will quote her shortly—but it is important for members to understand that the union is asking for electrical power sources to be isolated to protect commuters and workers. That is a safety concern, but members opposite are portraying it as something the union is using as leverage in pay negotiations. Are members opposite suggesting that we should not have safe workplaces or that safety should not come first?

The Hon. Natalie Ward accused the union of thuggery over its role in the delay of the metro city line opening, saying she believed the FBEU's concerns over safety issues were all part of a pay dispute between the union and the Minns Government. I am happy to accompany her and the champion of unions, the Leader of the Opposition in this House, down to the tunnels to see exactly what the fire brigade's concerns are firsthand so she does not have to come to this House and disparage the union for making a valid claim about safety in the workplace. With all due respect, those members have probably never had to work in a hazardous environment.

Unions have a right to raise safety concerns. They have a right to negotiate in good faith with the Government on pay claims through the Industrial Relations Commission, which is what they are doing. The commission will serve as a clearing house and, if necessary, the matter will go to arbitration, as the Treasurer pointed out. The idea that members opposite can come to this House and try to denude, disparage and undervalue the right of unions to stick up for safety for their members is unconscionable. My offer stands to accompany them to look at those tunnels and hear the safety concerns raised by the fire brigade union. If they are genuine, they will take up the offer and we will see the problem firsthand. But they should not claim that union members are thugs because they are raising valid safety concerns in the workplace.

OPAL MINING

ROSEHILL RACECOURSE

The Hon. JACQUI MUNRO (12:21): I take note of answers given by Ministers. Firstly, the Minister for Natural Resources declined to give a response to the people of Lightning Ridge and White Cliffs, who are seeking important information about the future of their livelihoods and how they will continue to exist in what is a pretty difficult community. I have been to Lightning Ridge, as I am sure a lot of members have. I have enjoyed the beautiful opals and swum in the artesian bore. It is a lovely place to visit but, in many ways, it is a hard place to live. The people are seeking clarification about the future of their livelihoods, but the Minister declined to provide a simple yes or no response to a clear and direct question from the Hon. Sarah Mitchell.

It is very concerning when Ministers cannot give clear and direct answers to clear and direct questions because it raises the question: What are they hiding? Why can the Minister not give a clear and direct answer? What is underneath this story that we do not know? The answer was a simple yes or no. Has the Sheahan report landed on the Minister's desk? We still do not know. We do not know when it will come or when it will be made public. We have got assurances now that it will be made public, which is excellent, and the people of Lightning Ridge, White Cliffs and that whole area will take some comfort from that. But they do not know when, and they do not know if the Minister is considering the report currently. That is very worrying. We and the people of those towns deserve to know more information about the future of their livelihoods.

I also take note of the response provided by the Leader of the Government about the unsolicited proposal and the nature of the Rosehill negotiation. It was in budget estimates earlier this year, where I had the privilege of being on the Transport hearings and the hearings with Minister Harris and Minister Scully, and we heard from the bureaucrats in the afternoon. We saw over and over again a situation that has been described as murky because each Minister and bureaucrat had a slightly different take on what was going on, how they were interacting with the process, when they found out what was going on and who was behind it. There is now an inquiry into the whole process because the facts deserve to be known. We deserve to know how this Labor Government makes its decisions and whether it is being truthful with the people of New South Wales. I commend that question from the Hon. Mark Latham.

BELUBULA RIVER WATER CONTAMINATION

The Hon. JEREMY BUCKINGHAM (12:25): I take note of the answer given today by the Hon. Rose Jackson about the Cadia Valley goldmine and the allegation—the strong suggestion—that that mining operation may have polluted the Belubula and Lachlan rivers. I note that the Minister is taking it very seriously and the department is having a look at it, but I again put on record my belief that that goldmine will be a toxic liability for this State for a billion years. I lived in Orange for 20 years and cut my teeth on Orange City Council, warning the community of the Central West that the original development approval that was signed off in the early 2000s was a ticking time bomb. That goldmine is one of the biggest mines in the world and it is an absolute planning disaster. It is a huge goldmine. As Peter Garrett said, "Nothing's as precious as a hole in the ground." The rush to approve it and its different iterations, with the open cut, the underground and then Cadia East, has been a disaster at every turn. It is a disaster for air pollution and worker safety, and now it is an ecological catastrophe.

We saw the tailings dam wall collapse in 2018. I raised it in Parliament at the time. On Google Maps, if you zoom out to 20,000 kilometres and look back at New South Wales, you can see the white dot that is the Cadia tailings dam. It is an unlined tailings dam of toxic sludge mixed with Orange's sewage at the top of one of our most important water catchments. Cadia is trying to manage it, but it is foreseeable that it will contaminate the groundwater and the surface water. It will be a liability that this State will have to manage for generations to come. I hope that it does not happen but I bet London to a brick, as the former councillor Glenn Taylor in Orange used to say, that it is going to happen. Cadia has not been a good miner or corporate citizen. That goldmine is going to leach toxic chemicals and toxic heavy metals into the Lachlan catchment forever. It is totally foreseeable. It is an absolute disaster and the various governments over a generation have been told that when mining operations end, the State is going to be handed an ecological catastrophe. This is just the beginning.

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) (12:28): I will make a couple of brief remarks because I think members are keen to get to lunch. I reiterate and thank the Minister for the Environment for the comments she made at the end of question time relating to an update from the Environment Protection Authority [EPA] on the issue of the potential contamination of the Belubula River. I reiterate that there is no indication at this stage that there are unsafe levels of PFAS or any other contaminants in the water. It is really important to provide that reassurance to the community.

As the Hon. Stephen Lawrence also noted, there is no evidence at this stage. Testing indicates that the water is unsafe to drink; however, we take the concerns seriously and the EPA will continue to work with local landowners and local water utilities. My office has indicated to me that at this stage we have not had any contact from the local water utilities requesting assistance. However, the invitation stands. The Government welcomes any opportunity to engage with them if they are concerned. Nothing is more important to me than ensuring that the drinking water across regional New South Wales is safe for communities. That is core business, job number one, for the Minister for Water, and I take it incredibly seriously. At this stage, there is no evidence to suggest that any water is unsafe to drink.

My other comment is in response to the Hon. Tania Mihailuk, who indicated her view that the Labor Party is over the moon about the drama that those opposite have managed to get themselves in with the local government elections. My view is closer to the Hon. John Graham's view that it is sad. There may be an element of schadenfreude. There may be a bit of a wry smile and the odd joke or two but, ultimately, it is not good when major political parties cannot pass basic competency tests. That is not good for democracy. There is one job, and that is to get the nominations in. A good second job is winning elections, but that is not job number one. Winning is not core business; getting the nominations in is core business. As I said, there is a wry smile and the odd joke, but fundamentally the Government does not celebrate this. I love our democracy and want a strong and robust democracy. I wish all political parties the best in getting their house in order so that they can, at the very least, turn up to the start line, let alone get over the finish line.

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

Motion agreed to.

*Written Answers to Supplementary Questions***SYDNEY METRO CITY AND SOUTHWEST**

In reply to **the Hon. MARK LATHAM** (14 August 2024).

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

I am advised:

Customer service street teams are deployed across the network to engage, inform and assist passengers when there are significant changes on the transport network. This includes in preparation of the new Metro City line.

The street teams address have been deployed to 17 locations. They answer individual customer questions, issues and queries that may not be delivered by advertising and other notifications. Importantly, they are able to effectively engage with culturally and linguistically diverse audiences in their language.

The customer service street team is funded from within the overall Sydney Metro project budget as part of Operational Communications with a cost of approximately \$560,000.

CADIA GOLDMINE

In reply to **Ms CATE FAEHRMANN** (14 August 2024).

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

Yes. The sampling results will be provided to the community as soon as all sampling results are received and analysed (expected to be completed the week commencing 19 August).

SYDNEY OPERA HOUSE ILLUMINATION

In reply to **the Hon. RACHEL MERTON** (14 August 2024).

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

On Wednesday 26 June this year Red Cross Australia approached my office regarding its request to light the Opera House Sails for its 110th anniversary celebration on Tuesday 13 August 2024.

The request was refused on Tuesday 6 August 2024 by the Sydney Opera House, which manages these requests. My office wrote to Red Cross Australia on Wednesday 7 August 2024 confirming the refusal.

The current policy is that applications by the public to light the Opera House Sails are generally not accepted.

Bills

LOCAL GOVERNMENT AMENDMENT (RURAL AND REMOTE COUNCILS) BILL 2024

First Reading

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

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

Statement of public interest tabled.

The Hon. ROSE JACKSON: I move:

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

Motion agreed to.

The Hon. ROSE JACKSON: I move:

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

Motion agreed to.

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

Announcements

LEGISLATIVE COUNCIL PHOTOGRAPHS

The PRESIDENT: I advise members that a photographer from NewsWire and News Corp will be present in the press gallery this afternoon for the taking of still photographs only.

Sessional Orders

INITIATION OF PUBLIC BILLS

Debate resumed from an earlier hour.

The Hon. DAMIEN TUDEHOPE (14:02): The Opposition supports the amendment. I express some sympathy for the position taken by the Hon. Emma Hurst. In essence, her observation was that the new sessional order limits the time for crossbenchers to properly analyse bills. That is also the case for the Opposition when the introduction and second reading of a bill fall on the same day. She makes the point that moving the introduction and second reading of a bill on the same day limits the opportunity to interrogate the Government about the intent of various provisions and to consider amendments. It does not exclude the opportunity, but it certainly limits it. Consequently, the Government should be required to properly consult on the bill at some stage prior to the second reading.

Today is an example of a backlog of bills being introduced, and there was also a backlog of bills waiting to be addressed on the last sitting day of the previous session of Parliament. I am sure the Leader of the Government recalls that we sat until two o'clock in the morning to pass a bill that was part of the Government's agenda. I accept that the Government faces that problem. I am not reflecting at all on the staff of the Leader of the Government, but I compliment Sam Tedeschi for the manner in which he made sure that business was being handled in this place when I was the Leader of the Government. He made sure that we did not have a backlog and that Ministers were not recalcitrant in their obligations to consult with the crossbench.

When a bill was being introduced, it was a primary requirement for my office to make sure that the Minister had consulted on the bills that were dealt with. They were not marshalled towards the end of the second week of sittings, as is currently occurring. It is undesirable for the House to have such a backlog of bills. So the Opposition

will support the amendment, but I have significant sympathy for the position taken by the Hon. Emma Hurst in her observations about the way the process is managed. With those comments, I indicate the Opposition's support for the motion.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (14:06): In reply: I thank honourable members for their contributions. I acknowledge the issues that members raised about dealing with the Government. I put on record that Government members work with and respect the role of all members of this House in doing what we want to do and in dealing with the matters that they bring to us. We take all of those matters seriously. I understand that sometimes members are frustrated by the way Government business operates, and I will report to Cabinet some of the comments and reflections that have been made during the course of the debate.

But when it comes to what the Government is specifically asking for, there is a very practical difference. The House generally sits in fortnightly blocks. We give notice on a Tuesday, and we are then unable to deliver the second reading speech until the Thursday. That means that the first chance we have to debate the bill is the following Thursday. We are seeking this change so we can do more on the first Tuesday for the bills that we introduce. The practical difference is that if we give notice, introduce a bill and give the second reading speech on the Tuesday, members will have until the second Thursday to prepare, an extra two days. It means that members will have a week, which is still quite a long time.

In my view, getting the second reading speech on record earlier is often more helpful because it sets out the Government's intentions, and there is still plenty of time to do the work necessary before we get to the Committee stage to deal with amendments. That is what this sessional order deals with. I feel that I need to respond to the many contributions in the course of the debate about how the Government manages business and timing. I put on record what has changed. Although I do not have the exact figures with me, the Government has passed more bills since it was elected than—

The Hon. Damien Tudehope: I don't know if I would be crowing about that.

The Hon. PENNY SHARPE: You can argue with it if you want, but I will stand by it any day. There have been more bills passed. We are getting through the bills and trying to manage the time. As members know, some bills are controversial and some are not.

I make the point that I take seriously all matters raised by members. I have engaged thoroughly with the Procedure Committee on the issues that members have raised with me individually and collectively. I take all of those seriously. It is not okay to say that there is nothing happening in the House or that the Government has not been passing legislation. We have worked through a lot of bills. There are differences in the way the Opposition has engaged with some of those bills, compared to the way members of the current Government engaged with bills when we were in opposition. I reflect that perhaps crossbench members are also engaging with the Government on bills in a different way to how they did previously.

We are all doing our best here. We are all working through the agenda of the Government, respecting the role of the Opposition and working closely with crossbench members on the matters that they are seeking to progress through this Parliament. This is a very small change. It will be subject to review. We will work through that. I note the comments about working with my colleagues. I will pass those comments on so that my colleagues are aware of them. I hope members will support the motion.

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

Motion agreed to.

Committees

COMMITTEE ON THE OMBUDSMAN, THE LAW ENFORCEMENT CONDUCT COMMISSION AND THE CRIME COMMISSION

Reports

The Hon. CAMERON MURPHY: I table report No. 1/58 of the Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission entitled *2023 review of annual and other reports of oversighted agencies*, dated August 2024.

The Hon. CAMERON MURPHY (14:11): I move:

That the House take note of the report.

Debate adjourned.

*Matter of Public Importance***NSW POLICE FORCE MANAGEMENT AND ADMINISTRATION**

The Hon. ROD ROBERTS (14:11): I move:

That the following matter of public importance be discussed forthwith:

Police management and accountability and the protection of whistleblowers.

I will not take my full allotted 10 minutes, but I will say a few things. I am aware that the will of the House is to debate this matter and that we have a very long agenda in front of us this afternoon. I very much appreciate that. This is a very serious matter that needs to be discussed forthwith. It is on record—and everybody knows—that the NSW Police Force is in dire straits at the moment. It is down 2,500 officers. Recruitment is not keeping up with disengagement. For every 100 officers that have left in the past 12 months, only 50 officers have replaced them. We have a record road toll at the moment, and 16 per cent of all drivers tested on the road are affected by drugs. There is a rural youth crime crisis in regional areas. Crime statistics are headed in the wrong direction and police morale is at an all-time low. That is all happening under the leadership of Commissioner Karen Webb. That is why this discussion is important and why I brought the matter forward. I will say no more. I believe the Leader of the Government may say something. I urge the President to then put the question, and we will go straight into the debate.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (14:13): As the member indicated, the Government does not oppose discussing this matter of public importance. I put on record a couple of the Government's concerns. The honourable member is obviously in possession of information, and he has been pursuing those issues through Standing Order 52 motions. The Government has not sought to stand in the way. The allegations are very serious and there is obviously more work to be done. The Government's view is that this matter of public importance should be handled carefully. Is this the right time, given that there is more information to come? I place on record our concern that there is more information to come.

The Government is also genuinely concerned about how we deal with public servants and how issues of concern are brought to light through the Parliament under parliamentary privilege. I do not suggest improper motives from the member, but the Government has concerns. Pursuing elected representatives is one thing, but the pursuit of individual public servants should be done with all caution and with the right information. I understand that the matter will be discussed today. My colleague the Hon. Tara Moriarty, who represents the Minister for Police and Counter-terrorism, will deal with the issues in the discussion, but I indicate to the House that the Government has some concerns about the way those issues are being pursued. We are concerned about the proper treatment of public servants in this State and the way in which accusations against them are made, particularly if they do not have a right of reply. I will leave it at that.

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

Motion agreed to.

The Hon. ROD ROBERTS (14:15): Before I go any further, I will put the Leader of the Government's mind at ease. I will not go near the substance of the Standing Order 52 motion; I will talk about Commissioner Webb's actions since this House agreed to that order for papers. I take the point on how we treat public servants. Last night I was in the chair for the debate about Neville Wran and malicious, salacious gossip. Members know I only deal in facts and evidence. I will demonstrate how the commissioner does not. I will show that the commissioner has misled the public of New South Wales.

Before I do, I note that this is not an attack on the NSW Police Force. We have what is probably the best police force in the world when it comes to operational people. We have men and women who risk their lives day in and day out. They do a tremendous job. In recent times there have been massive break-ups of organised crime and seizures of drugs by the State Crime Command under the control of Assistant Commissioner Mick Fitzgerald. Detective Superintendent Danny Doherty is doing an excellent job in charge of the Homicide Squad. It is just down to men and women on the truck in suburban areas like Bankstown, Fairfield and Liverpool, and in regional areas like Dubbo and Wagga Wagga, and as far out as one-man stations out the back of nowhere. They do a tremendous job. I am not talking about them; I am talking about their leadership.

Last week I moved a motion under Standing Order 52. It asked for certain things. There were six points in that motion. As a result, the police service itself has brought to light the answers to two of those points. I am not really focused on the 100 bottles of gin. That happens to be a side issue that the media has run with. But let us look at the commissioner's response. The issue was discussed in this House. It was not discussed in a member's statement. It was not discussed in an adjournment speech. It was discussed in debate on a Standing Order 52

motion. How can members refrain from discussing the contents of a motion when we are debating the motion? Had I taken a spray at the commissioner in a private member's statement or in an adjournment speech, perhaps there would be some argument. No-one raised any points of order about what I said in the debate; no-one could, because the debate was necessary.

The commissioner released a statement on Wednesday 7 August, after this House agreed to that motion. I will seek to table those documents after my contribution. The statement on the NSW Police Force website states, "The comments made under parliamentary privilege this afternoon are completely false." I do not think it was parliamentary privilege; I think it was the process of Parliament. I think the commissioner is completely ignorant of the role of this House and how it actually operates. Continuing on, here is where the lie starts: The police commissioner's media release talks about there being only 50 bottles of gin. It reads:

The 50 bottles were purchased in accordance with policies and procedures as outlined by LECC ... To date, 24 bottles have been distributed ...

That is what the commissioner said in a media release to the public—50 bottles only. Later on that afternoon she was on the Chris O'Keefe show. I quote from the transcript of the interview between Chris O'Keefe and Karen Webb:

- C: The register. Are you happy to make that public? Put this matter to bed?
- K: Well. There's a standing order 52 that Mr. Roberts has called for, and the register will be captured in that, and that will be provided.
- C: So, the register will be furnished to parliament, so we'll all see it.
- K: That's right.

That is the commissioner live on air in a prearranged interview. It is not a doorstep interview where she has been caught unaware. This is what she said:

- C: Is the 100 bottles correct?
- K: No. No. I don't know where he's got that from either.
- C: So how many bottles?
- K: Ah, 50. That were invoiced for. 50. And I've distributed 24. So, the rest are there.

That is what the commissioner said to the public. She lied and misled the public. How do we know that? On Friday, two days later, she released another press statement, which she slid on to the police website and did not distribute to the media through the normal channels. That release said:

Following a review of stock and of the gift register in the last 24 hours, I can confirm 32 bottles have been distributed ...

That is not the 24 bottles that she told the public of previously. She also said:

As a result of the review undertaken since Wednesday, I can confirm a second order of 50 bottles was identified ...

Did she or did she not lie and mislead the public in the first media statement and in her interview with Chris O'Keefe? That is the commissioner the Government is dealing with at the moment.

If Karen Webb said it was raining outside, people would have to go outside to check for themselves. Why else do I say that? I have been sitting on this issue for some time. In budget estimates on Wednesday 31 August 2022, in answers to questions from me, the commissioner lied three separate times:

The Hon. ROD ROBERTS: What's the current employment status of Constable Keneally?

The commissioner rambled on with something but then answered:

... he was originally suspended and he's now back in the workplace ...

She said that once. We move on a few lines:

KAREN WEBB: Certainly, like I said, the issue of him being suspended predates me.

Further on in the transcript she said:

As I said, he's been reinstated in the workplace ...

She said he had been suspended on three separate occasions in that document. I knew he had not. I let it go and I asked a supplementary question for a written answer:

When was he suspended and between what dates?

The committee received the following response:

The Commissioner wishes to formally correct the record and acknowledge Constable Keneally was never suspended from the NSW Police Force.

Had I not asked that supplementary question, the Parliament would have been misled. That is what the commissioner is like. She will say absolutely anything to cover herself. Is that the sort of leadership that the NSW Police Force requires? It certainly is not.

Let's go on a bit further, if we may. We talked about the bulletproof vests; that was one of my main issues. The NSW Police Force released a statement on Friday 9 August, again, surreptitiously through the police media website and not distributed to journalists as per the normal channels. It said:

In 2022, the Deputy Commissioner, Corporate Services requested the Asset Management Unit to undertake a state-wide reconciliation.

Within this audit a number of vests were identified as being unaccounted for, and a number of deficiencies were identified.

I heard the poor Premier do an interview and quote the 2022 audit. The commissioner and her staff failed to tell the Premier that there was another audit done in 2023, and those are the documents this House sought via the call for papers under Standing Order 52. I believe the Premier has been caught up in agency capture, falling for and believing what the police are telling him. We know that is a very foolish thing to do, because I have just shown this House how the police commissioner has misled the public.

Continuing with my main concern about whistleblowers, in an article from *The Daily Telegraph* on Saturday 10 August, the commissioner describes whistleblowers, who she calls "leakers"—and we will come back to that—as "faceless cowards". The article stated:

The Saturday Telegraph can reveal "the process has begun" to lodge a complaint with the NSW Police Professional Standards Command to investigate what the Police Commissioner believes are detractors releasing sensitive information.

She went on to say:

It does need to stop. I'm happy to be accountable and I do think those faceless cowards also need to be accountable.

Those people are not faceless cowards. Those people have the guts, courage and intestinal fortitude to come forward and shine a light on the morally corrupt practices taking place inside police headquarters. They should be rewarded. I will tell you who the coward is. The coward is the commissioner, hiding behind her rank, threatening and intimidating officers by saying she is going to come hunting for them. How ridiculous was it that last week, in Public Interest Disclosure Awareness Week, the Commissioner of Police said she is going to target what she calls whistleblowers? Not only did she do that, but she also doubled down this week. On Tuesday 13 August *The Daily Telegraph* stated:

Police Commissioner Webb was asked in front of media on Tuesday: "You said you are going to use the Professional Standards Command to root out leakers. Are you using scant police resources to weed out whistleblowers?"

In response, Ms Webb said that was what the command was supposed to do.

"The Professional Standards Command was established for that and certainly that's their job, that's what they were established to do," she said.

The Professional Standards Command was established to root out corrupt police officers who are selling drugs, consorting with known criminals and things like that, not to hunt down innocent whistleblowers. If people say to me, "Why didn't they follow the proper procedure?", I will say, "They did." We know that because, on the day this House decided to debate the Standing Order 52 request, the Law Enforcement Conduct Commission [LECC] miraculously released the result of Operation Askern and said it had investigated the commissioner already. That never came out. It was not made public until this House decided to do something about it. Members of the Police Force had reported to LECC and were frustrated. It turns out LECC also knows about the missing vests, but nobody was ever told anything about that. Why would members of the Police Force not come to me? What better person to air and ventilate your concerns with than a member of the Parliament who can investigate and prosecute it in this House?

There is much more to say, and I know my time is limited, but the commissioner's suggestion that she will use the internal police to hunt down whistleblowers reeks of Nazi Germany, where the Gestapo was used as secret state police force tasked with investigating political opponents and ideological dissenters. Its remit was to quash all resistance to the official narrative. That is what the commissioner said. That caused much consternation within the ranks—and people wonder why morale is bad. Do not forget, under section 10 of the police code of conduct and ethics, a police officer must "report misconduct of other NSW Police Force employees". Why would they report it to the Professional Standards Command, one might ask? They would because the Professional Standards Command is subject to Standing Order 52, and there will be a lot more at play when that comes.

The commissioner saying she is going to use the Professional Standards Command to hunt down whistleblowers caused so much consternation in the ranks that she has had to walk her comments back again yesterday. She released a statement to all police in New South Wales that said, "You may have seen recent media reporting which I believe has created the perception that I am targeting those who legitimately report police misconduct. I wanted to reach out to you personally to assure this is not the case." I have just quoted what she said. There is no perception there. She said it twice in two separate interviews over three days. She went on to say, "If you have a complaint or believe you witness misconduct at work, you are obliged to report it, and I encourage you to do so." What sort of encouragement is it to say, "If you do, I am coming after you"? She continued, "I say in relation to all levels of this organisation: You can do this by an anonymous complaint to the Professional Standards Command."

As I said, this Standing Order 52 request relates to the Professional Standards Command, so why would anyone complain to it? Why would you complain to the commissioner when she is subject to this? This is causing concern everywhere. Members may be aware of a bloke by the name of Mark Leveson. Mark's son Matthew was tragically murdered in 2007. I will not go into the circumstances of the case, because I do not want to create any further anguish for the family. Mr Leveson is a big supporter of the police. He wore a listening device to help the police catch the murderer of his son. I am not on Twitter, but friends of mine read this from him on Twitter on Saturday:

What a good idea "Weed out the leakers"! So, on last performance, that'll mean more sackings, more redundancies, more taxpayer money spent on terminations—

and we know what Webb has done with that—

and what a great morale booster for the remaining rank and file police officers whose numbers are ever decreasing.

There is a groundswell of people in New South Wales who have no faith in the leadership of the NSW Police Force. They have faith in their local coppers—and good on them. In closing, operational detectives in the New South Wales police rely on information from members of the public. They rely on informers. Why would anybody want to cooperate with the New South Wales police when they see the commissioner threatening to go after whistleblowers inside her own organisation?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (14:30): I speak in this discussion on behalf of the Government. The matter of public importance initiated by the Hon. Rod Roberts is a disgraceful attack on a fine public servant. I cannot recall anything remotely like this smear campaign against a public service department head in my time in this place, and certainly not against a police commissioner. Then again, Karen Webb is the first woman to serve in that role. I have a lot of time for the Hon. Rod Roberts, but to stand in this place and call the Commissioner of Police a coward is a disgraceful thing to do. Anyone who has allegations to make of misconduct, corruption or criminal activity in the police should report that behaviour to the Professional Standards Command or the Law Enforcement Conduct Commission. Processes are in place for very good reason so that allegations can be raised, investigated and dealt with. Using the shroud of parliamentary privilege to outline these matters is close to an abuse of process.

The Hon. Rod Roberts: Point of order: I do not think that what I have done is an abuse of parliamentary privilege. I have ventilated concerns and provided documentary evidence to support my assertions. If this was a private member's statement, then perhaps the Minister might be close. Members of this House need parliamentary privilege to be able to do our job. If we have no parliamentary privilege, then we may as well meet in the middle of Martin Place and chat about nothing. I think the comment was grossly out of line. I ask the Minister to withdraw the statement that I am abusing parliamentary privilege.

The PRESIDENT: The Clerk will stop the clock. I have sympathy with what the Hon. Rod Roberts has said. He has taken personal offence. For the benefit of the House, I ask the Minister to withdraw that comment and proceed with her contribution.

The Hon. TARA MORIARTY: As I have said, I have a lot of time for the member and appreciate that he has been raising issues in this area for a long time. I am responding to comments made by the member today. I do not want to cause personal offence, and I withdraw any comments that caused the member personal offence. But I will respond to the issues that were raised. Calling the Commissioner of Police a coward is a despicable thing to do in the Chamber.

The Hon. Natalie Ward: Point of order: I do not want to interrupt; the Minister is entitled to speak to the matter of public importance. It is the purpose of this Chamber, as well as the duty and obligation of the Hon. Rod Roberts as a member of this House, to raise issues of concern. The member has done so by way of substantive motion in the proper format. I ask that the Minister confine her responses to substantive issues and not take pot shots at the member. The Minister should treat the member with some parliamentary courtesy.

The PRESIDENT: The Clerk will stop the clock. There is obviously high emotion around this issue; that is clear for everyone to see. All members will be heard in silence. I ask that all members think about the words they use when they contribute to the debate.

The Hon. TARA MORIARTY: The member mentioned comments in a radio interview. The commissioner has released a gift register that shows that 32 bottles of gin were distributed as gifts to dignitaries and senior external stakeholders or used for fundraising purposes. The commissioner has confirmed that 18 bottles of 50 remain, and they will be donated to Police Legacy, which is a fantastic organisation that supports the families of deceased officers, for fundraising. As a result of the audit undertaken last week, the commissioner has confirmed that a second order of 50 bottles has been identified that has not yet been paid for. Those bottles will be returned to the supplier. The Law Enforcement Conduct Commission has been made aware of the second order. The commissioner has also ordered a comprehensive review of Police Force gift policies.

The member also commented on allegations of missing vests. In 2022 the deputy commissioner of corporate services requested the asset management unit to undertake a statewide reconciliation. This is not a new issue—the police have been aware of it since 2022—and the Government, the police Minister and the commissioner are dealing with it. This matter of public importance is partially about an issue that has been around since 2022. An audit was conducted of vests that had been identified as unaccounted for. As a result, the NSW Police Force asset management unit was tasked with reviewing and updating the management processes for all police ballistic vests. This process was then moved on to the police armoury to manage.

There are many reasons why vests might not be accounted for, including multiple vests being disposed of or destroyed by the agency that were recorded as one vest in the system or officers either moving between commands or taking long-term leave. It is important to focus on better record keeping systems moving forward. The commissioner recently said that tracking and auditing of equipment should take place at regular intervals one or more times a year. I have been advised that a fresh audit was commenced last week, and all 172 commands across the State will conduct a physical stocktake. These issues relating to the commissioner's performance date back to 2022, and we have outlined the actions that are being taken to deal with them.

The member commented on the commissioner's remarks in the weekend press. Those remarks regarded the potentially unlawful leaking of confidential information from within the Police Force. The commissioner said that she has asked the Professional Standards Command to look into the issue. That command is tasked with ensuring standards of ethics and integrity in the NSW Police Force, and with investigating potential wrongdoing, corruption or illegality. Its role has nothing to do with so-called whistleblowers or anyone who wishes to report wrongdoing. Anyone in that category has an obligation to report such wrongdoing, and the organisation has an obligation to protect and support those people in doing so.

Commissioner Webb is unwavering in her commitment to those principles, as is the organisation that she leads. The commissioner was referring to a prolonged campaign of malicious leaks designed to damage her and, by extension, the NSW Police Force. Those leaks are potentially unlawful. To anyone who can read a newspaper, this has been obvious for some time now. In an interview, she said she had had enough of it—frankly, who can blame her? Contrary to what has been alleged in this place and elsewhere, the incredibly important Professional Standards Command was not and will not be targeting those who legitimately report police misconduct. To suggest otherwise is completely false and, in itself, malicious.

The Professional Standards Command is responsible for setting standards for performance, conduct and integrity within the NSW Police Force. This is absolutely vital to maintaining the public's trust in our police. Its role includes promoting professional standards across the force; investigating serious criminal allegations, corruption and high-risk matters where police officers may be involved; identifying and responding to high-risk behaviour in people, places and systems where misconduct is a factor; and promoting and supporting fair, consistent and effective management for all staff.

Let me be clear: The Professional Standards Command investigates misconduct or illegal activity. It will not go on unsubstantiated witch-hunts, wasting precious time and resources. Most importantly, decisions about what matters are investigated by the Professional Standards Command are a matter for the professional standards commanders and their senior leadership team. In fact, the commissioner addressed allegations of so-called unsubstantiated witch-hunts in a message to all New South Wales police staff, stating, "I have sought advice from the Professional Standards Command regarding unlawful release of internal documents."

She went on to state, very clearly, that this was not directed at anybody who may be acting in accordance with the framework set out under the Public Interest Disclosure Act 2022, and acknowledged the very important protections that exist under that Act. Commissioner Webb is doing exactly what a police commissioner should be doing: supporting her Professional Standards Command to investigate any alleged wrongdoing in the workplace, including the unlawful release of documents.

I take the opportunity to acknowledge some of the incredible work that the NSW Police Force, ably led by Commissioner Webb, is doing to protect communities across New South Wales, because debates like this one only serve to undermine that work. Just last week, Organised Crime Squad detectives charged a Homebush man after seizing drugs worth \$8 million—including 10 kilograms of methamphetamine and one kilogram of heroin—and a Glock pistol and ammunition. The Organised Crime Squad also thwarted future murders, shootings and other serious crime activities after seizing eight stolen "kill cars" in Fairfield. In that same week, detectives arrested 20 people on child sex abuse charges and issued 12,500 traffic tickets. This is just a small sample of the incredible work that our police perform around the clock, day in, day out.

But the list of achievements is not limited to policing work in the community. The Government has been working hand in glove with the commissioner to improve recruitment and retention rates in the NSW Police Force. It is critically important that we address the serious workforce vacancy rates. Applications to join the force have increased a massive 47 per cent, year on year, since our recruitment initiatives were announced. We will pay recruits while they study, to improve those figures. We have a full class of well over 300 recruits for our December attestation—no-one can remember the last time there were that many graduates.

The Government has launched its Professional Mobility Program so cops from other States can join at their existing rank. We are going after experienced New Zealand police too. The New Zealand Prime Minister had to admit that he cannot compete with what New South Wales is offering his police to join our force. We also launched the "You Should Be a Cop in Your Hometown" campaign to recruit people in regional areas who may not want to move to the city. They can now join the force and return to work near or in their home town.

The NSW Police Force is doing a terrific job in tackling domestic and family violence across New South Wales. The new Domestic and Family Violence Registry has been established. Operation Amarok, which targets the State's most dangerous perpetrators of domestic violence, delivers staggering results each time it is run. Over the six times New South Wales police have run Operation Amarok, there have been thousands of arrests made. The Government is also investing in programs that address youth crime in the regions, including expanding the critical Youth Action Meetings to nine new locations. Since September 2023, Operation Regional Mongoose has investigated 631 break and enters, 565 stolen vehicles, arrested and charged 207 individuals, and issued 743 court attendance notices, of which 141 were issued to juveniles.

I could go on and on about the fantastic work that the NSW Police Force is doing to keep the people of New South Wales safe every single day, ably led by Commissioner Webb. They should be able to get on with that job without being attacked and undermined in the public domain or in the Parliament. Of course, people are entitled to raise issues. As I said, there are proper processes for any allegations to be dealt with. If people have allegations to make in relation to any issues inside the NSW Police Force, there are places for them to be raised and they are the appropriate channels for those issues to be investigated. The Parliament should be a place of last resort for things to be ventilated publicly if people feel those other processes have not been properly conducted. The Government wholeheartedly supports the NSW Police Force, ably led by Commissioner Webb.

The Hon. MARK LATHAM (14:46): This matter of public importance is essentially about the leadership of the NSW Police Force. I have known Karen Webb for some 35 years, from back in my Liverpool days—I am sorry to have given our ages away. I have probably known her for longer than anyone else in this building or the NSW Police Force has. I do not come to this debate with any sense of malice or a desire to make personal attacks; rather, I speak with an objective sense of what has gone and, I must say, immense pride in the work of my colleague the Hon. Rod Roberts. He is a great asset to this Chamber. What he has been doing is, essentially, the proper work of the Legislative Council. Our role in the upper House, very clearly, is to keep in check those people who are very powerful in New South Wales and, when things go wrong, to use reliable information, to double-check it, and to bring it to the attention of the House.

Keeping the powerful in check used to be one of the core functions of the Australian Labor Party, but the Hon. Tara Moriarty has basically just said that the powerful can do whatever they like. They can pursue whistleblowers, they can pursue people who have provided accurate information about things that have gone wrong in the Police Force, and the Government will back the police commissioner no matter what. That is a blank cheque for the powerful to grow more powerful, and potentially to abuse that power in ways against the public interest.

It is very clear what has happened here. The key question is why would people inside the NSW Police Force be providing this information? It is because they do not have confidence in the leadership and they have grave concerns about serious things that have gone wrong. Indeed, it was a process of this House—a call for papers under Standing Order 52 about gin bottles and missing vests—that we are now debating. We should be quite chuffed and proud of the fact that this House carried a Standing Order 52 motion that brought to public attention the things that have gone wrong in the NSW Police Force, and accurately so.

We should be supporting the role of the Legislative Council and its forums—like the call for papers used skilfully and accurately by the Hon. Rod Roberts—to ventilate such problems, in the public interest. The Government should not be asking, "Why did people provide the information?" It should be asking, "How were these things allowed to happen? Why have people lost confidence in the police commissioner?" Furthermore, the Government should be asking why the police commissioner would use valuable resources to hunt down whistleblowers.

This is yet another demonstration of how badly New South Wales needs whistleblower protection laws. We are seeing that need in the inquiry into the proposal to develop Rosehill racecourse, where a whole range of dreadful matters—horrendous matters—at Racing NSW are being brought to light. It is an example of a committee of this House holding in check and to account someone who has grown way too powerful in New South Wales. Whether we are talking about Peter V'landys or Karen Webb, we have a legitimate role to keep in check and to hold accountable people who have too much power in New South Wales.

I believe Karen Webb is a fine person. Throughout her police service, she has been an efficient, capable officer. But there comes a time in everyone's career when perhaps they have aimed a little too high. Karen Webb is an inherently shy person—camera shy and shy of the media. Within the Government, there have been several occasions on which senior Ministers have said, "Why didn't she go out and face the media when that serious incident occurred? Why did it take days before she had something to say to the media? Public confidence is at risk."

The public wants information when serious law and order matters occur in New South Wales. Karen Webb will not change that; it is a reality. The fiasco inside her media unit was obviously a major problem. She has had a tendency for kneejerk reactions and oversensitivity to those problems. If she wants to be the police commissioner, she has to front the media when serious things happen. She needs serious, reliable media advice, not a very expensive revolving door of Keystone Cops media advisers. All those things are on the public record.

Who in this House can say that the Hon. Rod Roberts has been wrong about any of the matters he has consistently raised about police administration in New South Wales? Who can put their hand up and point out when he has been wrong? Why would anyone condemn the person who has been 100 per cent correct, time after time? I know Rod; he does not fly off the handle. He relies on information and checks it. He does the work of a good MLC. We should be applauding him for what he has done in terms of police scrutiny and for his understanding of the problems of police administration in New South Wales. He has basically been the de facto shadow Minister. Some people would struggle to name the shadow police Minister.

The Hon. Mark Buttigieg: Who is it?

The Hon. MARK LATHAM: Some people do not know.

The Hon. Wes Fang: Paul Toole.

The Hon. MARK LATHAM: Well, the Hon. Rod Roberts is much more the shadow Minister than Mr Toole. That is pretty clear, and that is a valuable role for the Parliament. The shadow racing Minister and the shadow police Minister should not go missing in action on big issues as they have done. They are scared of the powerful or they want to be friends with the powerful. They do not want to upset anyone. But someone has to perform those functions, and the Hon. Rod Roberts is the de facto shadow police Minister. The Hon. Tara Moriarty had a good long speech, but she could not itemise a single matter where he got it wrong.

The Standing Order 52 process is a process of this House that we have fought for, that we are proud of and that we use carefully. It brought forward the information about the gin bottles and the missing vests—again, in the public interest. It is just plain wrong to say that the problem is the messenger and to shoot that messenger, whether it is the Hon. Rod Roberts or the police officers who are providing information because they have concerns. It is not the police commissioner's job to hunt down people who provide information about problems. Her job is to solve the problems. If she were solving all the problems inside the Police Force, no-one would have any information to hand over to anyone about any matter.

New South Wales desperately needs whistleblower protections in the public interest. Too many people are scared and intimidated, feel bullied by the powerful and are reluctant to speak their minds. Whether it is my recent experience with Racing NSW or the work of the Hon. Rod Roberts on policing, only the forums of the Legislative Council provide that valuable public scrutiny. Why would any Minister, let alone a Labor Minister, condemn this House for performing its function of holding the powerful to account?

If the Hon. Tara Moriarty wants one basic lesson in politics, I say this: The overpowerful are the mortal enemy of social justice. If she wants to engage in equality and social justice in our society, she should disperse power. Hold the overpowerful to account and defend the people who play a valuable role by doing that, sometimes

risking their own jobs and their own necks. They deserve protection. Why do we not have whistleblower protection laws in New South Wales? Why is it only the Legislative Council that provides that essential public function? That is a major gap in the statute book in this State, and one person filling it is the Hon. Rod Roberts. We should stand by him and encourage him to continue his work in the public interest. I have heard nothing from those opposite other than some bluster and some probably fake defences of a police commissioner who, internally and privately, Labor Ministers have had valid criticisms about. At various times she has been hanging on by a thread; let us be honest about that. The Hon. Rod Roberts has not been wrong. He has acted in the public interest, and this matter of public importance is a further demonstration of that fact.

Ms SUE HIGGINSON (14:54): On behalf of The Greens, I contribute to this discussion on the matter of public importance. I will speak to the police system but also the broader issue of whistleblowers and their protection or lack thereof. Accountability and transparency are absolutely vital to the effective operation of government and agencies. It is shocking to see senior members of an important public sector agency like the NSW Police Force threatening to come down on those seeking to speak truth to power. People do that for one reason only, and that is because they want to call out injustice and access justice. They do not want to see what has happened to them or someone else happen again; it is that straightforward. People do not wake up in the morning and say, "I'm just going to get up and say something for the sake of saying it." It is always motivated by a purpose of accountability, justice and trying to remedy a wrong.

The Government has expressed concern about the way those issues are being pursued, and I understand those concerns. Commissioner Webb has a duty to act with integrity and provide honest reports to Parliament. Her defence of the use of the Professional Standards Command to pursue leakers and whistleblowers is ridiculous and offensive. I am sure she regrets it. It is an unbelievable waste of public resources, and it is wrong. It is an affront and should not happen. As commissioner, she is the person most responsible for the conduct of the Police Force. But I worry that we are at risk of paying more attention to the commissioner and some bottles of gin than the real, documented and ongoing harms arising from an entrenched culture of impunity, dysfunction and unaccountability within the NSW Police Force. I do not blame any individual police officers; I am talking about the structures and systems.

The reality is that we do not have a genuine police accountability and integrity system in this State. I have been calling that out since I first came to this place. We do have a system, but it is not what anyone would call a police integrity and accountability system. We have an oversight system, but it is certainly not an effective oversight system. The law as it stands is that New South Wales police have primary responsibility to investigate New South Wales police and prevent staff misconduct, and they are failing in that responsibility. A system where police investigate police cannot lead to the right outcomes. That is not what an integrity system should be built on. I know it comes from the recommendations of an inquiry from a long time ago, but the Government should take a long, hard look at the system in this State because it is not working.

From 2019 to 2024, internal investigation statistics by the department area command recorded more than 20,000 complaints since 2019-20, of which only 7,000 were investigated. Police commands investigate as few as 25 per cent of complaints made against their officers by members of the public. Where investigations are undertaken, adverse findings are made more than half the time. The analysis in the observation paper tabled a couple of months ago of complaints made by or on behalf of Aboriginal and Torres Strait Islander people showed 707 allegations triaged by the NSW Police Force. Less than 10 per cent were recommended for further investigation. Police declined to investigate almost 80 per cent of allegations of excessive use of force. Police determined that 117 complainants did not require the notification of the oversight body. The oversight body disagreed in 73 of those cases.

The Law Enforcement Conduct Commission [LECC] states that support for national Closing the Gap priority reforms is in contrast to the statements from the commissioner that that is not the job of the police. Is it any wonder that the public and the police have so little faith in the accountability measures of the NSW Police Force? The evidence bears out that we should not, and cannot, have confidence at this point. Internal investigations and professional standards commands are just not working. We really need to face that. I get the desire of governments to defend, defend, defend. But, as other honourable members have stated, this is not the right case in which to do so. It is important to acknowledge that we have some problems; clearly, members have some differences of opinion about where those problems are located. It is precisely because of the breakdown in public trust that police staff and members of the public routinely reach out to journalists, members of Parliament and the courts in search of justice when internal investigations have failed and continue to fail. The result is debates like the one we are having today.

Last year the NSW Police Force spent more public money losing misconduct cases in court than the entire operating budget of the Law Enforcement Conduct Commission—the very body that is meant to oversee police conduct. I support this matter of public importance because there is a strong case for looking at where things are

going wrong. I have said on the record a hundred times that the LECC does excellent work, but it is reactive, has limited resources, has limited powers and is routinely obstructed by the executive of the Police Force, who would sooner drag the LECC through the courts than comply with its requests during investigations. A police force we can trust requires a watchdog with proactive, strong powers and sharp teeth. The LECC does a great job, but it just cannot keep up.

It is important to know that whistleblowing occurs across sectors. Nowhere is effective accountability more important than in the dark, closed systems that wield State power and violence. But the poisonous culture that is apparent within the Police Force, the prisons system and the child protection system has created an environment in which retribution for speaking up about the misconduct of colleagues is swift, severe and arbitrary. I have heard from prison staff who have been bullied and assaulted by their colleagues for showing kindness to inmates. I have heard from child protection workers who are terrified to participate in the department's review of the out-of-home-care system out of fear of malicious personal and professional reprisal.

Almost daily I hear from members of the public about dangerous interactions between people in need of help and the police. Staff suffer. In 2019 the private data of a police whistleblower was accessed 200 times by other staff of the NSW Police Force in the year following reports of misconduct. There is a real culture and it needs serious redress. We must not accept easy answers to the deep and dangerous shortcomings of government agencies and social services. This problem is much bigger than the commissioner, and whistleblowers and oversight bodies shine vital light on the dysfunction.

Only once we see these problems can we begin to understand them, and only through understanding them can we begin to solve them. Misconduct is unacceptable and is especially dangerous in institutions that apply the violence and power of the State. Its obfuscation and the punishment of those who report it is wicked and corrosive. We cannot let that happen. I say to anyone out there who works for the State and who has seen or suffered from something that is not right that they can contact my office and we will, in confidence, do what we can do to help. The matter of public importance brought to the House today is very timely. It should send a strong warning to the Government that these are genuine matters. They are happening on our watch. Our whistleblowers deserve serious respect and genuine protection. We can raise issues in this House with the confidence of the privilege we have, but a better system would be the very people who have lived experience of the wrongful use of power speaking truth to that power in safety, with the full protection of the law. Why can we not have that in New South Wales? I say to the Government let's have a go.

The Hon. ROD ROBERTS (15:04): In reply: I thank all members who contributed to discussion of this matter of public importance. I am interested in what was said by Minister Moriarty in relation to parliamentary privilege. I note the presence in the Chamber of the Deputy Leader of the Government. Speaking of my use of parliamentary privilege, I want to go back a few years to refer to the night I moved a motion under Standing Order 52 in relation to Daniel Keneally. Minister Graham will remember this perfectly because he led in the debate for the then Opposition. The matter had been investigated by the Law Enforcement Conduct Commission, and the LECC had said there was nothing to see. The complainant eventually got to me, and this House debated and passed a motion under Standing Order 52. As a result, it forced LECC to reinvestigate. A man had been criminally charged and convicted. He appealed his conviction but the conviction was upheld in a superior court. Daniel Keneally was charged with fabricating evidence, which had resulted in a man going to jail.

I can now bring certain matters out into the open because they are all on the public record—not put there by me, but they came out. On that night I knew that the copper was Kristina Keneally's son, but members of the Opposition did not realise it until halfway through the debate when their phones were going. I was watching them. If I wanted to abuse parliamentary privilege or take a swipe at a political opponent, that night would have been the perfect opportunity. I would have said, "By the way, this is Kristina Keneally's son." Did I do that? I pose that rhetorical question to the Deputy Leader of the Government. He knows I did not. Why? Because it served absolutely no purpose for this House to know that was Kristina Keneally's son. It was irrelevant. I am very, very careful about the use of parliamentary privilege, and I do not say that lightly. There are examples of it. What we must remember is that the motion under Standing Order 52 the House passed last week had six parts. Two parts—bingo! ka-ching!—hit paydirt straightaway, as has every one of the Standing Order 52 motions I have brought to this House. I have brought only four in 5½ years. I do not come into this Chamber without substantiated facts.

I am an old-school detective who went into the academy in 1981. Do members know what I know in life? Do not ask a question unless you already know the answer. I knew the answers to all those things, but I needed the Standing Order 52 orders to provide the documents. I have the answers from other sources but to cover those sources and to save them, I need to go through that process. It is not something that I take lightly. I am very concerned and disappointed that the Minister would suggest that I abuse parliamentary privilege. The Minister's statement is an example of agency capture, because she spoke about the 2022 review of missing vests. I know the Minister was referring to speech notes, but I had already said that there was a 2023 audit that has been withheld

from her Government. If the Minister had known of its existence, she would have said "the 2023 audit". That is the bombshell. That is what the commissioner and her staff are doing to the Minister's Government. They are not giving the Minister the full facts. When the return to order is provided next Wednesday, let us see what the 2023 audit says.

We talk about ethics and integrity. Who could have more ethics and integrity than those who are risking their career and their reputation to deal with me? Why are they doing it? It is because they are concerned about the operation of the NSW Police Force. Why am I doing it? For exactly the same reason. I bleed blue. I joined the cops in November 1981. For 43 years I have had intimate knowledge of the operation of the NSW Police Force. Every time there is a debate about policing in this House, it is led by me. The Government spruiks its payment of recruits in the academy. Who raised that issue? Who led that debate? Who suggested it? Why? Because it will help the police. I am here to help the true, honest, hardworking men and women in the NSW Police Force. What I will not do is stand for moral corruption at the top. If anybody is silly enough to think that I have discharged all my gunpowder in last week's Standing Order 52 motion, they are terribly mistaken, because what appears on the calendar on 30 August? It is budget estimates for the police. I give the commissioner and Deputy Commissioner Pisanos advanced warning, especially on the Cooma incident. Let's see if they are honest. Let's see if they get on the front foot before I have to do something at the budget estimates hearings.

It has been said that it is not appropriate. How could it be any more appropriate than to make a report to a member of Parliament? How could that be inappropriate? As I say, they cannot go to the commissioner's office and make a complaint about the commissioner. They cannot go to the Professional Standards Command because the complaints in the Standing Order 52 motion relate to the Professional Standards Command. They have nowhere to turn other than me. That is why they come to me and that is why I am doing this. I want those men and women, when they put on that blue uniform every morning, to be proud of the organisation they are working for. I pointed out to the Minister how the commissioner had misled the public on a number of occasions. According to the media release it was only 50 bottles, and only 50 bottles were mentioned on Chris O'Keefe's show, but now we know it was 100. I did not hear anyone defend her then.

How can the Government support a commissioner who lies and misleads the public? That is the core issue that we are talking about. It is not just me suggesting that; I provided the Parliament with documentary evidence. Members should listen to Chris O'Keefe's show. On that show the commissioner said, "No, it is only 50 bottles. I don't know where he got that from." There was no apology from Karen Webb to poor old Rod Roberts. I do not want an apology. This is my job; if I dish it out, I am going to get it back. When I dish it out, it is factual. How this Government can support a commissioner that lies, I will never know.

The NSW Police Force—and I hope Chris Minns is listening—is like a patient on the operating table. Chris Minns is saying to the patient, "I have good news and bad news. The good news is I can save your life. The bad news is that to do that I am going to have to amputate a limb." Mr Minns, I have given you the scalpel. Let's save the patient. In closing, I will tell Mr Minns one last thing. He can delegate authority but he cannot delegate responsibility. I thank the Leader of the Government and the House for its time.

I seek leave to table the documents I have referred to.

Leave granted.

Documents tabled.

Discussion concluded.

Bills

BIODIVERSITY CONSERVATION AMENDMENT (BIODIVERSITY OFFSETS SCHEME) BILL 2024

First Reading

Bill introduced, read a first time and ordered to be published on motion by the Hon. Penny Sharpe.

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

Statement of public interest tabled.

Second Reading Speech

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (15:13): I move:

That this bill be now read a second time.

I am pleased to introduce the Biodiversity Conservation Amendment (Biodiversity Offsets Scheme) Bill 2024. I first acknowledge the traditional owners of the land on which this Parliament sits, the Gadigal people of the Eora nation, and pay my respects to their Elders past and present. Acknowledging country requires us to have regard and respect for the traditional owners of this land, taking lessons from their history and experiences. I recognise the inherent spiritual and cultural connection of Aboriginal people to land, water and native species, and I recognise the social, economic and environmental benefits that flow from caring for country.

In his review of our biodiversity laws, Ken Henry emphasised the need for genuine engagement with Aboriginal people and the application of traditional cultural knowledge into our laws. We accept these recommendations and, as the Government moves through our nature reform, I commit to working in partnership with Aboriginal communities to ensure their issues are genuinely heard, their role on country is promoted and their aspirations are met. Not long after I became the Minister for the Environment, Ken Henry delivered his judgement on our environmental laws. His review determined:

Biodiversity is not being conserved at bioregional or State scale. The diversity and quality of ecosystems is not being maintained, nor is their capacity to adapt to change and provide for the needs of future generations being enhanced.

This account was alarming but it was not surprising. I had sat in this place for too long watching the ongoing failure of the former Government to protect the places we love and its active hostility to some of the most basic environmental safeguards. I have read too many State of the Environment reports, sat on too many inquiries, listened to too many accounts from scientists and conservationists, and saw firsthand too many cases of environmental damage to be really shocked by the magnitude of the failure.

Biodiversity in New South Wales is in crisis. Half of the threatened species currently listed are on track for extinction within the next 100 years. Without urgent action many species like mountain frogs, koalas, pygmy possums and regent honeyeaters, as well as plants such as the Wollemi pine, could be lost. Our landscapes are a shadow of their former selves. Half the bioregions in New South Wales have less than one-third of their original ecological capacity remaining. We have seen rivers run dry, increasingly severe drought, the rise of soil salinity and disconnected habitat, all of which are further compounded by the impacts of climate change.

It was in the face of those challenges that, in opposition, Labor made key election commitments to fix the Biodiversity Offsets Scheme, stop excess land clearing and improve environmental protections. This bill to amend the Biodiversity Offsets Scheme is another step forward in turning the biodiversity crisis around. Biodiversity offsetting is where clearing that impacts species and habitat is compensated for by the protection and restoration of those same species in similar habitat. In New South Wales, the Biodiversity Offsets Scheme regulates that process.

Under the scheme, developers or landholders wanting to clear land must compensate, or offset, for any biodiversity loss. The offset is generated by the landowner through the protection and improvement of a separate site with a similar habitat through a stewardship agreement. The landholder receives annual payments to undertake management actions to offset the original development. It is a complex scheme, and the subject of much criticism, but I do believe that it has the intention to manage biodiversity loss from development and it is necessary to compensate the environment when loss occurs. This bill forms part of the Government's NSW Plan for Nature, which was released last month in response to the Henry review of the Biodiversity Conservation Act and also the review of the native vegetation provisions of the Local Land Services Act. Ken Henry's review included 58 recommendations, and the Government accepted 49 of them. Thirty of the recommendations relate to the Biodiversity Offsets Scheme and the bill addresses those recommendations.

The Government cannot simply be the manager of steady decline. We have a responsibility to turn around the loss by protecting and restoring habitat. We must set nature on a path to recovery. It is possible. I have witnessed platypus being reintroduced into the wild. I have met landholders around Cessnock proud to show me their patch of protected land. I have held a corroboree frog under threat from horses, and I have travelled to Mutawintji National Park with traditional owners who protect and restore country. The Government is not only up for this challenge, we see addressing it as a key responsibility. The goal of this Government is to leave nature better off than we found it. We owe this to the next generation. I echo Ken Henry when I say that we must commit to the recommended major reform "if we are to have any confidence that future generations will have the opportunity to be as well-off as we are".

Before I get to the details of the bill, it is worthwhile looking back at how we got here. The Ken Henry review was a statutory review of the Biodiversity Conservation Act. It ran alongside a statutory review of the native vegetation provisions of the Local Land Services Act. They were five-year reviews of some of the most controversial legislation to pass through this Parliament. Many members of this House will remember in 2016 when the laws were changed and, essentially, environmental protections were ripped up. Those laws were replaced with a land management framework that included an offsets scheme that lacked oversight, integrity and basic

environmental protections. At the time, Labor vehemently opposed this legislation. Since then, that opposition has been validated by a series of damning reports.

In 2019, advice provided by the Natural Resources Commission found components of the framework to be a "statewide risk to biodiversity". In 2021 a New South Wales parliamentary inquiry into the integrity of the Biodiversity Offsets Scheme—by a committee that I sat on, chaired by Ms Sue Higginson—was initiated off the back of a series of investigations by Lisa Cox from *The Guardian* that questioned the integrity and oversight of the offsets scheme, particularly around Western Sydney. This inquiry found the offsets scheme wanting and recommended major reform to strengthen the "avoid and minimise" hierarchy, establish clear thresholds for where offsets are established and increase oversight to ensure integrity of the scheme. A 2022 Auditor-General's report on the effectiveness of the Biodiversity Offsets Scheme concluded:

The effectiveness of the Scheme's implementation by DPE and the BCT has been limited ... Key concerns around the Scheme's integrity, transparency, and sustainability are also yet to be fully resolved. As such, there is a risk that biodiversity gains made through the Scheme will not be sufficient to offset losses resulting from the impacts of development ...

I acknowledge that since these reports, and since the introduction of the laws in 2016, there have been policy changes made to improve the operation and integrity of the scheme, as there should be. This bill continues that work and implements a series of recommendations from the review. It is important to note that this bill is not a silver bullet, but it is a significant step forward to fixing the Biodiversity Offsets Scheme and setting nature in New South Wales on the path to recovery. This is a task that government cannot do alone. The Government will continue to work with Aboriginal landholders, farmers, the housing industry, the mining industry, environment groups, scientists and communities as these reforms progress, as it must if it is going to turn this around.

Two key objectives of this bill are, firstly, to make sure biodiversity risks are known and avoided early in the planning process and, secondly, to shine a light on the process of biodiversity assessment so that informed decisions can be made going forward and biodiversity impacts can be tracked. By focusing on early avoidance, our most important ecosystems will be protected, while unexpected costs and delays of development for proponents will be reduced. This will deliver certainty for industry. Instead of two years into a planning process, proponents will know their offset liabilities and biodiversity constraints early on. They will be able to make informed decisions at the first point of investment. This reform will ensure that housing commitments, as well as essential infrastructure, including renewable energy infrastructure, roads and other transport, can be delivered.

The bill has five key elements. It requires that steps be taken to avoid impacts, first and foremost; requires the scheme to transition to delivering overall net positive outcomes over time; allows for the circumstances where developers can pay into the Biodiversity Conservation Fund to be reduced and, when the fund is used, ensures quicker investment in impacted species and ecosystems; increases transparency through new public registers and increases accountability for biodiversity impact assessors; and allows for regulatory burden on lower impact local development to be reduced in exceptional circumstances, particularly in regional areas. Further regulatory amendments not contained in this bill but committed to in the Government's Plan for Nature will be made. These changes will refine the rules for trading ecosystem credits; amend the scheme entry thresholds so that small, low-impact local development does not come into the scheme; and remove the option for major mining proponents to meet a credit obligation through a commitment to ecological mine site rehabilitation.

The Plan for Nature also includes a range of commitments to improve biodiversity assessment and offset processes by modernising the application of ecological sustainable development to include climate change and cumulative impacts, as well as Aboriginal cultural heritage considerations; mapping places of high biodiversity value to provide clear guidance to communities, proponents and decision-makers about areas where biodiversity impacts should be avoided; reviewing regional and strategic planning to improve these processes and deliver clearer outcomes for communities and industry; providing guidance to support decision-makers in determining serious and irreversible impacts on biodiversity; updating the way in which credit obligations are calculated for areas of high biodiversity value; and improving the manner in which biodiversity credits are calculated from active restoration of stewardship sites.

I turn to the details of the bill. This bill will improve the biodiversity outcomes achieved by the scheme. Government cannot be the manager of steady decline. The Government's goal is to leave nature better off than it found it. Ken Henry recommended the scheme become "nature positive", as it is a critical tool for reversing biodiversity loss and should be leveraged to achieve that. That is why this bill will amend the Act to make it clear that the scheme will transition to net positive biodiversity outcomes. This will mean looking beyond the current "no net loss" standard to one where the scheme will achieve overall biodiversity gains. The bill, through new sections 6.2A and 9.1 (1) (d), requires a strategy to be developed setting out how the scheme will transition to net positive, including targets, time frames and actions. The Government will work with experts, stakeholders and the public on the development of the strategy and carefully consider the views of scheme participants and impacts on

the biodiversity credit market. The transition to net positive will take time and must be delivered holistically across the scheme and in consultation with stakeholders.

Part of Labor's election commitment to fix the Biodiversity Offsets Scheme was to seek a greater emphasis on avoidance of biodiversity impacts as the first step in the offset process. Offsets must be a genuine last resort. While this requirement is currently in law, it is too regularly ignored. The Government will legislatively require certain steps be taken to fulfil this critical obligation. New sections 1.3, 1.6, 6.2 (h1), 6.3A, 6.4, 6.12 (c), 6.13 (b1), 6.16 (1A) and 9.7 (1) (h2) in the bill work together to strengthen the application of the "avoid, minimise and offset" hierarchy by requiring development proponents to demonstrate the genuine measures they have taken, and propose to take, to avoid and minimise impacts to biodiversity.

A statutory standard detailing what is required to satisfy this requirement will be set out in the regulation. It will give particular attention to protecting our most at-risk species and ecological communities, including our threatened plants and animals at risk of serious and irreversible impacts. To support the standard, the bill introduces a public register that will keep track of commitments to avoid and minimise impacts to biodiversity for approved projects. This new register is one part of a broader set of reforms to improve the transparency of the scheme. I will speak more about those reforms shortly.

In recognition of the critical responsibility that the Minister for the Environment has to protect biodiversity across New South Wales, the bill will provide a new concurrence power for the Minister for the Environment in relation to certain biodiversity offset decisions on State significant developments. New sections 7.14 (3) to 7.14 (3H) set out how concurrence from the Minister for the Environment will be required for these State significant projects where it is proposed that approval be granted with conditions other than requiring the total number and class of biodiversity credits to be retired, as specified in the biodiversity development assessment report. This amendment will ensure biodiversity is protected while also increasing consistency and minimising delays to the approvals process for these important projects.

The bill will also strengthen the processes, requirements and administration of the Biodiversity Conservation Fund to support the Biodiversity Conservation Trust in achieving outcomes for biodiversity. Amendments under new sections 6.31 (5) to 6.31 (8) in the bill will require the trust to acquit offset obligations paid into the fund within three years, after which it must enter into an agreement with the Minister for the Environment on how the obligation will be met. This will ensure impacts to biodiversity are offset sooner, ensuring minimal delay in biodiversity outcomes. While this seems administrative in nature, it is critically important. Any delay means that biodiversity has been lost and not yet compensated for. This ensures offsets are realised in a timely manner.

I next turn to how the bill will support a well-functioning biodiversity credit market. Labor's election commitment to fix the Biodiversity Offsets Scheme specifically identified the default position in New South Wales that allows developers to pay levies into the fund managed by the Biodiversity Conservation Trust and committed to this payment being a genuine last resort, not the standard practice. The bill, through sections 6.30 and 6.2 (g), will enable limits to be imposed on the ability of proponents to meet an offset obligation through payment into the fund in certain circumstances. These limits will be set out in the regulation. This reform will facilitate greater participation in the biodiversity credit market while still ensuring that the fund is available when needed.

The fund is an important component of the scheme. It plays an essential role in securing the biodiversity offsets that enable the Government to deliver the priority infrastructure needed to support the people of New South Wales. It also allows those not closely engaged in the scheme to more easily satisfy their offset liabilities. The Government wants to ensure that the fund is available to support development across New South Wales without impeding the functioning of the biodiversity credit market. The bill will also increase the efficiency and transparency of the scheme. It will open the black box of the Biodiversity Offsets Scheme by introducing requirements for new public registers. Both the Ken Henry review and the New South Wales parliamentary inquiry into the integrity of the offsets scheme focused on the lack of transparency and unknowns across the functioning of the scheme.

The bill, through new sections 9.7 and 9.11, will establish a new public register to keep track of commitments made by proponents to avoid and minimise impacts to biodiversity. It will also introduce a new public register to track offset obligations imposed for projects under the scheme and decisions made to approve serious and irreversible impacts. To support the establishment of these registers, we are investing in the digital systems underpinning the scheme so that these registers are accessible and reliable for public access.

The bill, through new sections 6.10A, 5.8, 5.11 (7), 6.14, 6.15, 7.1, 8.1 and consequential amendments to the State Environmental Planning Policy (Biodiversity and Conservation) 2021, will establish new powers to improve the quality and consistency of biodiversity assessments, including allowing directions to be issued to

accredited persons in relation to the preparation or modification of biodiversity assessment reports. These new powers will improve the quality and consistency of biodiversity assessments and reporting, leading to more efficient and timely decision-making throughout the planning process.

A consistent criticism of the scheme and the assessment process has been the variability in advice from accredited assessors. These new powers will ensure consistency and certainty for proponents, communities and decision-makers. We are also making a series of small but important amendments to clarify the intent and interpretation of existing provisions of the Act. Those amendments will remove unnecessary barriers to scheme participation and improve efficiency in the operation and administration of the scheme.

Finally, I speak on how the bill will ensure that small-scale development and local communities are supported by better balancing the application of the scheme against the risks to biodiversity posed by development. The scheme applies to a range of different development types across New South Wales, from major projects to small developments. It is an important aspect of the scheme that ensures that unavoidable impacts to biodiversity are identified, assessed and offset wherever they occur. However, we must ensure that the application of the scheme is balanced, taking a risk-based approach to impacts on biodiversity from development, and that the scheme works to support small developers and local communities.

Ken Henry made several recommendations that considered how the scheme could apply more reasonably to local development. The bill, through new section 7.2 (3), will allow for scheme entry thresholds to be revised through subsequent regulatory amendments so we can reduce the regulatory burden on lower impact local development, including in regional areas. It is important for the scheme to apply sensibly, especially in regional areas. I note the many mayors who have come to talk to me in relation to the matter. We will consider these changes in consultation with local government and with communities. The bill, through new sections 7.7 (3) and (4), 7.11 (2A) (a), 7.16 (2A) (b) and 7.17 (2) (c) (ii), introduces a new power that enables the Minister for the Environment to provide exemptions from the scheme for local development in exceptional circumstances or in response to natural disasters.

In the wake of the tragic 2019-20 bushfires, temporary legislative amendments were made to switch off the scheme to help affected communities rebuild and get back on their feet. This new power will allow the Minister for the Environment to respond more quickly to similar disasters and ensure there is some flexibility, especially in regional areas. In line with our commitment to improve transparency, all exemptions to the scheme will be published on a new public register. The Minister will be required to set out reasons for the exemption, including the consideration of ecologically sustainable development.

New section 7.4 (4) facilitates the making of regulations to create a formal review process for landholders whose land is mapped on the Biodiversity Values Map, one of the scheme triggers for local development. If a landholder proposes development on the sensitive biodiversity values identified on the map, the offsets scheme applies. These regulations will mean that landholders will be able to formally request a review if they believe mapping is incorrect on their property. Probably one of the biggest discussions I have with people who come through my door is about mapping accuracy. If the review finds their land should be removed from the Biodiversity Values Map, and they do not meet other entry requirements, the scheme will not apply.

In conclusion, the bill is a significant first step in implementing our commitments to reform the Biodiversity Offsets Scheme and set nature in New South Wales on a path to recovery. Implementation of these reforms will be supported by amendments to the Biodiversity Conservation Regulation, including setting out savings and transitional arrangements. To ensure a smooth transition where supporting regulatory amendments are needed, the provisions of the bill will not commence until these are in place. We want to work closely with all stakeholders invested in the outcomes of this reform. I look forward to upcoming opportunities to consult with stakeholders on the bill as it moves through the parliamentary process.

If it passes this place, I welcome referring the bill to Portfolio Committee No. 7 for investigation and report to the House. I urge everyone to engage in the process and engage with my office on the details of the reform. This is a technical bill. The offsets scheme is complicated. We need to work through the complexity to get a much better deal for nature than we currently have. There is a lot more work to be done to get the scheme right. This is just the beginning. I thank everyone who has worked on this important reform to date, including Ken Henry and the review panel. I also acknowledge the work across government that has gone into the development of the bill. This year the Minns Labor Government presented the NSW Plan for Nature. It established our collective ambition to protect what is left, restore what has been degraded, and begin the transition to a nature-positive approach for biodiversity in New South Wales. Anything less and we are failing the next generations to come. The Government will meet the challenge. This bill is just the beginning of our work. I commend the bill to the House.

Debate adjourned.

*Committees***PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT****Reference**

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (15:35): I move:

- (1) That the Biodiversity Conservation Amendment (Biodiversity Offsets Scheme) Bill 2024 be referred to Portfolio Committee No. 7 - Planning and Environment for inquiry and report.
- (2) That the committee report by 11 October 2024.
- (3) That, notwithstanding anything to the contrary in the standing and sessional orders:
 - (a) on the tabling of the report of Portfolio Committee No. 7 - Planning and Environment, the resumption of the adjourned second reading debate on the bill will be set down as an order of the day for a later hour; and
 - (b) on the resumption of debate, the Minister may speak again to any matters arising out of the report of the committee.

The Hon. MARK LATHAM (15:36): I agree with the Biodiversity Conservation Amendment (Biodiversity Offsets Scheme) Bill 2024 being referred to Portfolio Committee No. 7. I note that the bill and the biodiversity concept are well intentioned. The bill seeks to improve biodiversity outcomes, support a functioning biodiversity credit market, increase scheme efficiency and better balance the application of the scheme with biodiversity risk. However, as is so often the case with government, well-intentioned ideas that have zero implementation on the ground count for nothing and can actually be counterproductive. I hope the committee investigates the misuse of this scheme in Western Sydney where, quite frankly, it is a standing joke on the urban fringe.

Woodchip companies take up biodiversity sites. They put a little "conservation" sign up and get the benefits that come from the scheme. How were woodchip companies ever allowed to participate in the scheme? Is there not some vetting of who receives a biodiversity offset arrangement? Surely that needs to be part of the report of the committee.

[Members interjected.]

I am a well-known Western Sydney environmentalist. I am useless to you in the bush and on the climate change business, but I have been a long-time Western Sydney environmentalist. Anyone can go back and check my record on Liverpool council.

The Hon. Jeremy Buckingham: He was a massive champion for climate change once upon a time.

The Hon. MARK LATHAM: The Hon. Jeremy Buckingham should settle down. The Government needs to get its head out of the clouds and come down to the ground where the practical impact of one of its grand schemes is not worth a cracker. I am outlining a practical problem with biodiversity. How are woodchip companies on the outer fringe of Western Sydney allowed to participate in the schemes? They get the credit for knocking down trees to build new housing estates in Oran Park and other places like that. That is not a problem, but at their biodiversity conservation sites there are shipping containers, abandoned machinery and woodchips dumped. Other materials are dumped on so-called biodiversity conservation sites. Motorbikes are racing up and down. There are meth labs. You see the cars coming up and down.

The Hon. Jeremy Buckingham: Hold on. Where are they? Name them.

The Hon. MARK LATHAM: Settle down. It is not cannabis but meth labs, which is much worse. Cars are coming up and down at 1.00 a.m. on a Saturday. What is going on there? We are not silly. Big driveways have been put in. There is no land management whatsoever. Those sites are an absolute farce. Why is that happening? Why was that ever allowed to occur? It is because the biodiversity scheme has no inspections. No-one ever goes to the conservation sites and asks whether conservation is actually happening. Biodiversity is a concept without practical, real-life implementation on the ground where someone goes every now and then—a novel idea!—to inspect what is actually happening. What is the woodchip company doing to the land? Obviously, the land gets degraded.

Those schemes are producing degraded land at the conservation sites and increasing the knocking down of trees to build new housing estates. Is there a bigger farce in the governance of New South Wales than that? I hope that Portfolio Committee No. 7 - Planning and Environment looks at those sites and makes a very strong recommendation. The scheme is not worth two bob without the basic governance concept of going to inspect what actually happens at the conservation sites. We will see the most atrocious land degradation and land mismanagement under the banner of environmentalism. That is my practical recommendation on the motion. I am

out there; I have seen it. It is atrocious. I hope the committee makes a very good recommendation for the Minister to pick up, and that we get inspectors there to clean those clowns out.

Ms SUE HIGGINSON (15:40): On behalf of The Greens, I speak in support of the motion. I am the chair of Portfolio Committee No. 7 - Planning and Environment, and I absolutely welcome the opportunity for the inquiry process. It will be a short and sharp inquiry, as it has a very limited time frame. However, as the Minister outlined, many people have been waiting, champing at the bit, for reform around the biodiversity offset system. It is true that the system has been broken for so long that there are perverse consequences across the landscape. I hope the inquiry will receive submissions on how broken the system is. I urge the Hon. Mark Latham to read the report of the previous Portfolio Committee No. 7 inquiry into the effectiveness—or ineffectiveness—of the biodiversity offset system. Those precise terribly perverse and broken outcomes in the landscape were featured in that report. The Government is now saying it is going to try to start to remedy that.

I acknowledge and echo what the Minister put on record. For years, investigative journalist Lisa Cox has been hammering everyone who would listen to say, "Look at Western Sydney. This is unbelievable—the insider trading, the corruption from the people involved in the system and the personal benefits they are gaining." At the end of the day, the loss is to nature and communities. We must put an end to that. I am absolutely thrilled that Portfolio Committee No. 7 will get the opportunity to do what it loves: to be completely forensic and hear from all those scientists and champions of nature.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (15:42): In reply: I welcome the Hon. Mark Latham's contribution to the debate. That is the whole point: The system is not working. It is a complicated system, and we need to do better for the community and for nature. We also need to find a way to manage development that works, which is not happening at the moment. This bill is the start of that process. I urge the Hon. Mark Latham to read the recommendations of the inquiry from the previous Parliament, which go to the details.

I acknowledge the very good public servants sitting quietly in the gallery. They have worked extremely hard to get this bill to the House. They have tried to work through the complexity we have to deal with. They are focused on protecting nature. We have a way to go in terms of the reforms we want, but this is a big first step. I thank them for their ongoing work over many years, particularly as we have tried to deal with problems that have emerged over time. Good work is being done, and I acknowledge that. The Government looks forward to the inquiry. I encourage anyone who has an interest in this issue—I know there are many such people—to make a submission.

The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine): The question is that the motion be agreed to.

Motion agreed to.

Bills

ENVIRONMENTAL TRUST AMENDMENT BILL 2024

First Reading

Bill introduced, read a first time and ordered to be published on motion by the Hon. Penny Sharpe.

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

Statement of public interest tabled.

Second Reading Speech

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (15:45): I move:

That this bill be now read a second time.

The Environmental Trust Amendment Bill 2024 is very simple. It makes amendments to the Environmental Trust Act 1998 to increase the membership of the Environmental Trust from five members to six members, requiring the additional member to be a person who identifies as Aboriginal and is appointed by the Minister administering the Act. The amendment will change the operation of the provisions in practice by adding an additional voting member to the Environment Trust who can make decisions about the way trust funds are spent.

The Environmental Trust has been in operation since 1998. The trust has been delivering environmental grants programs that support Aboriginal communities to protect and restore landscapes since 2009. The new Environmental Trust Strategic Plan prioritises environmental issues impacting New South Wales related to prioritising healthy country and recognising and valuing Aboriginal culture, restoring ecosystems and biodiversity and strengthening environmental management. Aboriginal representation on the trust board is not just appropriate

but also important in this context. I am shocked that no changes have been made to the trust in all the time it has been place.

In May 2024 the trust considered the benefits of bringing an Aboriginal member to the table to assist the trust with carrying out its functions, and ultimately decided to endorse such a proposal. The Government has listened to and agreed with the trust—as it should; I am the chair of the trust—and is now proposing to ensure that there is appropriate Aboriginal representation at the core of the trust's decisions. The inclusion of Aboriginal membership on the trust aligns with other government decision-making bodies, including many within the Environment and Heritage portfolio, such as the NSW Coastal Council, the Heritage Council of NSW and the Biodiversity Conservation Trust.

The National Agreement on Closing the Gap is a top priority of the New South Wales Government in partnership with Aboriginal organisations, communities and people. Having an Aboriginal member on the trust will contribute to the four priority reforms, especially to priority one: creating formal partnerships and sharing decision making within government to empower Aboriginal and Torres Strait Island people. All appointments will comply with the NSW Government Boards and Committees Guidelines, the Public Service Commission's Classification and Remuneration Framework for NSW Government Boards and Committees and the Premier's Memorandum M2021-07 Appointments to NSW Government boards and committees.

The bill contains an additional minor amendment to update the reference to the chief executive of the Office of Environment and Heritage with the Secretary of the Department of Climate Change, Energy, the Environment and Water. That is the agency that is responsible for that. The bill represents a small but important change. I commend the bill to the House.

Debate adjourned.

PORTS AND MARITIME ADMINISTRATION AMENDMENT BILL 2024

First Reading

Bill introduced, read a first time and ordered to be published on motion by the Hon. John Graham.

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

Statement of public interest tabled.

Second Reading Speech

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (15:50): I move:

That this bill be now read a second time.

The Government is pleased to introduce the Ports and Maritime Administration Amendment Bill 2024. The bill proposes amendments to the Ports and Maritime Administration Act 1995 and gives effect to the recommendations from an independent review of the Act. The Act provides the framework for ports and maritime management in New South Wales and is relevant to the freight and international shipping industries as well as the recreational and domestic commercial vessel sectors. The State's three major ports are the primary link between New South Wales producers and consumers and global markets. Port Botany handles over 99 per cent of containerised goods for New South Wales. It is the key bulk liquids destination, contributing \$10.7 billion to the gross State product annually. Port of Newcastle and Port Kembla are primarily bulk ports handling coal, grain and cars, amongst other commodities. Together, those two ports contribute a further \$4.7 billion to the gross State product annually. Two private port operators, Port of Newcastle and NSW Ports, are responsible for the commercial operation and management of those three ports under long-term lease arrangements with the New South Wales Government.

The Act is also relevant for the ports at Sydney Harbour, Eden, Yamba and the State's 16 regional harbours. Examining the regulatory framework that underpins the effective operation of those ports and harbours is important to ensure their efficient operations. In addition to commercial ports, each year more than two million people go boating using recreational or domestic commercial vessels and rely on marine infrastructure to safely access New South Wales's more than 2,000 kilometres of coastal and inland waterways. The Act includes marine safety functions, the management of wharves and moorings, government price monitoring of port operator charges and the regulation of parts of the port-related supply chain to promote competition and productivity. It also sets out the functions of the Port Authority of New South Wales, a State owned corporation that performs a range of navigation, security, safety and environmental protection functions in the State's six commercial ports. The Port Authority also owns and operates bulk vessel berths at Glebe Island, White Bay, Eden and Yamba, as well as the State's cruise ship terminals and other port-related lands.

A comprehensive independent review of the Ports and Maritime Administration Act was led by Mr Ed Willett, who has over 30 years of experience in competition policy and economic regulation. Mr Willett brought a wealth of knowledge and relevant experience to the review, including from his previous roles in the Independent Pricing and Regulatory Tribunal, the Australian Competition and Consumer Commission, the Australian Energy Regulator and the National Competition Council. On behalf of the New South Wales Government, I thank Mr Willett for his time and expertise in considering the legislation, for the time he spent engaging comprehensively with stakeholders and for his recommendations to support improvements to the management of our ports and waterways. Those recommendations have been carefully informed by stakeholder input, external research and detailed analysis.

The review also included the Port Botany Landside Improvement Strategy, which is detailed in the Ports and Maritime Administration Regulation and relevant mandatory standards. The Port Botany Landside Improvement Strategy is a regulation which covers the performance of stevedores, rail operators and road carriers at the three Port Botany container terminals. Mr Willett's final report, which was released on 25 January this year, made 37 recommendations as well as eight findings relating to the Act and the Port Botany Landside Improvement Strategy. The Government accepted and is implementing all 16 of the recommendations relating to the Act and has noted Mr Willett's five findings relating to the Act that do not require action.

Minister Haylen has commenced the Freight Policy Reform Program to investigate and review the current policy settings that apply to different parts of the freight supply chain. That reform program is being supported by an expert panel headed by Dr Kerry Schott, who is joined by Mr Lucio Di Bartolomeo and Dr Hermione Parsons. In addition to the broad review objectives, the panel has been tasked with consulting industry on 20 of the 21 final recommendations from the independent review relating to the Port Botany Landside Improvement Strategy. The recommendation to engage NSW Ports as a service provider to administer elements of the Port Botany Landside Improvement Strategy on behalf of the Government is not supported. After consideration, the Government has determined that the current arrangement, which is that Transport for NSW administers the strategy, is most appropriate at this time.

The Port Botany container task contributes significantly to the State's economy and, therefore, it is appropriate to consult industry on the final recommendations to understand their impact and benefits to the supply chain. That consultation has been carried out, and the Minister will consider the panel's advice to inform her decision on adopting the recommendations. Implementation of endorsed changes to the Port Botany Landside Improvement Strategy will be undertaken in the subsequent regulation amendment process where stakeholders will be consulted on the specific details. The purpose of the bill is to implement amendments to the Ports and Maritime Administration Act recommended by Mr Willett. The review considered whether the Act's policy objectives remain current and whether any changes were required to ensure that it remains suitable, now and in the future.

Two rounds of public consultation were completed, including on a discussion paper and an options paper, and feedback was provided by over 70 businesses, individuals and organisations. The review heard from port operators, container stevedores, domestic commercial and recreational vessel operators, the shipping industry, transport operators, rail operators, peak industry bodies, unions, individuals, community groups and the Government. The public consultation was broad and comprehensive and included roundtable sessions and individual meetings, as well as port tours and site visits. Forty-seven written submissions were received and verbal feedback was recorded from over 70 stakeholders. I am pleased to say that stakeholders were broadly supportive of the amendments the bill proposes. The submissions have been published, and stakeholder feedback received during the review is detailed in the final report.

The review found that the Act's policy objectives remain current, and broad changes to the Act are not required. However, the review did find that there are opportunities for improvements to support the safety, efficiency and effective governance of New South Wales's ports and maritime environment. In addition to the 16 recommendations for amendments to the Act, five findings were made. Those findings include issues or proposals raised by stakeholders that have not been recommended for implementation or do not require legislative change, as well as suggestions for potential further consideration by the Government that did not have sufficient drivers to be recommended for change. The bill implements 12 of those 16 Act recommendations. Minister Haylen proposes to implement the remaining four recommendations during a subsequent process to amend the Ports and Maritime Administration Regulation 2021, which will include detailed stakeholder consultation via a regulatory impact statement and a draft regulation. In addition, some of the 12 recommendations covered in the bill will also have further details developed in the subsequent regulation amendment process, ensuring that stakeholders are engaged and the potential regulatory impact is appropriately considered.

I turn to the substance of the bill. The bill makes five changes to support port safety. Firstly, proposed new section 104A in the bill provides for continuing offences. Where a person commits a relevant offence under the

Act or regulation, a continuing offence can be applied for each day until the requirement is complied with. This will facilitate changes to the dangerous goods in ports time limit penalty structure to ensure that there is an appropriate incentive for cargo owners to comply with the time limits for holding dangerous goods at our ports. Currently, the maximum penalty is reached on day four of overstaying the set time limit and therefore provides no incentive for goods that have overstayed to be collected after this time. The safe operation of our ports is essential, and the 187 fines issued in the 2022-23 financial year for dangerous goods overstaying required time limits highlights the need for improvement to the penalty structure. New section 104A allows for a continuing offence to be applied until the requirement is complied with. Specific details of a revised time limit penalty structure will be developed and stakeholders will be consulted during the regulation amendment process.

Secondly, the essential port related services of towage, bunkering and lines handling will have a statutory licensing regime applied under a new part 4B. The current licensing regime for towage, which involves the use of tugboats to help move or position larger vessels, will be formalised as part of this bill, and a new licensing regime for lines handling and bunkering will be introduced. Bunkering is the process of refuelling vessels and lines handling involves the mooring and unmooring of vessels at ports, and they can pose significant risk to port operations, infrastructure and waterways. In taking a risk-based and proportional approach, bunkering licence requirements will apply to providers of bunkering to seagoing ships. It will not apply to bunkering providers for recreational or domestic commercial vessels. However, should those bunkering services pose a risk, the bill allows for additional vessels or classes of vessel to be covered by the requirements.

Regulating a non-exclusive licensing regime for those services will support safer port operations by setting clear standards and performance indicators for service providers. To provide transparency, section 46ZC sets up a monitoring role so that the Port Authority will be required to report to the Minister annually on the operation of the new provisions, including the number and types of licences granted or refused and any relevant penalty infringement notices issued. To ensure the licensing regime is fit for purpose, specific requirements will be developed during the regulation amendment process with detailed industry consultation undertaken. A suitable transition process will move existing towage operators licensed under the current non-statutory licensing scheme to the new arrangements when the regulation amendments are completed.

Thirdly, to address challenges with effective port management, the private port operators' ability to enforce their port operator directions will be strengthened through the inclusion of an offence in section 39 of the Act for failing to comply with a direction. This will be prescribed as a penalty notice offence in schedule 6 to the regulation. This will support effective management of traffic and appropriate handling of goods in ports, and will address other safety and security risks. The offence and penalty infringement notice align with provisions in place at government-operated ports that will improve consistency across the State's ports. Penalty infringement notices would only be issued by a private port operator once employees were appointed and appropriately trained as authorised officers. Minister Haylen will retain oversight of this, as port operators are required to report to her on their directions, and Transport for NSW will facilitate the penalty processes.

Fourthly, the current Act does not adequately address situations where the driver of a vehicle cannot be found, such as when a driver abandons a vehicle or leaves it unattended at, or near, ports or wharves. To address this, the bill inserts a new section 104B in the Act that strengthens compliance with parking rules inside all ports, and also on Transport for NSW or Port Authority land near a port or a wharf, by extending liability to the owner of the vehicle. The bill also includes an amendment to the Road Transport (Vehicle Registration) Regulation 2017 to allow Transport for NSW to provide registration information to private port operators to facilitate the issuing of a penalty infringement notice. This is restricted to providing necessary pieces of registration information only in relation to parking offences, such as the name and address of the vehicle owner.

Finally, to allow more timely responses to non-emergency safety or security issues at ports, section 38 has been amended to reduce the notice period from two weeks to one week for port operator directions to be provided to the harbourmaster or to the Minister where it relates to the management of dangerous goods. The independent review recommended a number of improvements to the Act to support improved information and environmental sustainability. Currently the Act allows port operators to require information from vessels for specific purposes, including monitoring compliance with port operator directions and to calculate port charges. Section 110 (1B) allows for these requirements to be expanded by the regulations so ships will be required to provide vessel environmental performance information—for example, fuel types and noise emission levels—to support ongoing monitoring of vessel environmental performance. This change is not expected to have adverse impacts on ships, and any administrative impacts of this change will be reduced where possible by utilising information and formats that are readily available.

Appropriately, the specific environmental performance information to be provided will be progressed as part of a subsequent regulation amendment process with further stakeholder consultation. The New South Wales Government's price monitoring scheme covers port operator charges that are applied to ships. The Government

administration of this scheme will be improved by doubling the minimum notice period for port operators to notify the Minister and industry of any proposed change to their service charges applied at section 80 (2). This change will support industry to better prepare and respond to any changes in port charges and allows appropriate monitoring of port charges by ensuring that the Minister is suitably advised. Importantly, this change aligns with the current practice of most port operators. Through the inclusion of section 110 (1B) in the Act and the amendment of sections 11 and 12 of the regulation, there will be improvements to ship manifest information and the data formats used to support quality information provision and efficient data sharing between industry parties and with Government.

This provision will provide a more accurate and reliable overview of import and export container movements to Government and port operators to inform planning for future freight supply chain investment. The bill contains four changes to modernise and streamline the legislation. Firstly, some of the Minister's functions under sections 24 and 25 of the Act that are administered by Transport for NSW will be clarified to reflect changes in responsibilities for managing waterways infrastructure and the provision of maritime services within Government. Secondly, the functions of the Maritime Advisory Council at section 34, which provides advice to the Minister on domestic commercial and recreational vessel matters, will be expanded so the council will also provide advice on expenditure priorities for Transport for NSW exercising its functions relating to maritime property in addition to maritime infrastructure and research as well as maritime safety.

Thirdly, the Port Authority of New South Wales objectives at section 10AA will be updated to allow, with the Minister for Transport's approval, activities that are complementary to its principal objectives and functions. The Port Authority manages a range of lands, and there is the potential for complementary activities to be accommodated without impacting port functions. This could support the broader objectives of the Port Authority, a State owned corporation, to be a successful business and exhibit a sense of social responsibility. In these instances, and after careful consideration, the Minister for Transport will be able to approve suitable activities that do not interfere with the Port Authority focus on port safety and facilitating productive and competitive port activity. To avoid any doubt, the bill is clear that this approval is in addition to any other approvals required and does not replace other legislative requirements.

Finally, the bill also clarifies the Act's objectives with the inclusion of the new section 2A, and removes outdated terms and references. The changes to the Act are not expected to have significant cost implications for industry and, wherever possible, any impacts will be mitigated. The remaining four recommendations to be implemented from the review of the Act, and not executed by this bill, are relevant for the regulation. They will be progressed as part of a subsequent regulation amendment process and will improve the New South Wales mooring licence scheme by ensuring that the requirements for obtaining a mooring licence appropriately address the condition of the vessel. Ship bunkering permit requirements will be updated to improve safety. The navigation service charge exemptions in Port Botany and Sydney Harbour will be removed so that all ships that enter ports in New South Wales are subject to the charge for each entry.

The final recommendation to be progressed through the subsequent regulation amendment process is to review port boundaries to consider whether they are appropriate for effective ports management. As mentioned, further details for some of the Act changes, such as towage, lines handling and bunkering licensing requirements, will also be progressed as part of this subsequent process. The regulation amendment process will apply the Better Regulation principles and ensure that any regulatory requirements are necessary and proportional. The details of any cost impacts will be considered during this process when specific requirements are finalised and a regulatory impact statement is prepared.

The bill is necessary to ensure that New South Wales has effective legislative arrangements in place to meet both the current and expected future ports and maritime requirements. Through the bill, the Government is committed to ensuring that the ongoing safety, sustainability and productivity of our key trade gateways is secured for the benefit of the people of New South Wales, and the businesses and industries that rely on them, and that the relevant functions and waterways infrastructure and maritime services in New South Wales meet the needs of the more than two million people who go boating using recreational or small commercial vessels each year. I commend the bill to the House.

Debate adjourned.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. BOB NANVA: I postpone Government business notices of motions Nos 4 and 5 until the next sitting day.

*Bills***INDUSTRIAL RELATIONS AMENDMENT (ADMINISTRATOR) BILL 2024****Second Reading Speech**

The Hon. DANIEL MOOKHEY (Treasurer) (16:11): I move:

That this bill be now read a second time.

The purpose of the Industrial Relations Amendment (Administrator) Bill 2024 is to place the New South Wales registered CFMEU Construction and General Division into administration. The bill is not aimed at any other union and does not apply to any union other than the New South Wales CFMEU Construction and General Division. The intent and purpose of this scheme is consistent and complementary with the proposed Federal scheme.

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

Leave granted.

As the Premier and the Government have strongly stated and made clear, illegal behaviour of any kind cannot be tolerated, and the Government has undertaken a number of strong actions.

We stand with the Commonwealth and other jurisdictions that are responding to the same issue by moving to appoint an administrator to manage the affairs of the union.

This requires strong action, and the Minns Government is doing exactly that through this bill.

The bill establishes powers to appoint an administrator to the union.

The bill will achieve this by requiring the Minister to make an administration order that establishes an administration scheme that places the New South Wales CFMEU

Construction and General Division into administration; and requiring the Minister to appoint an administrator of the New South Wales CFMEU Construction and General Division to implement the administration scheme.

The New South Wales CFMEU Construction and General Division is registered in both the Federal and New South Wales industrial relations systems.

The law regards the federally registered body and the New South Wales registered body as two separate incorporated entities.

Strong action from both the Commonwealth and the New South Wales Governments is required to address the serious issues and serious allegations that have been raised. We are working in close cooperation with the Commonwealth, and it is an absolute necessity.

I note this bill has been subject to the following amendments in the other place.

- (a) Amendment No. 1 amends the definition of office holders to better align with the CFMEU (NSW) rules;
- (b) Amendment No. 2 clarifies that offices of CFMEU (NSW) State Executive office holders can be declared vacant;
- (c) Amendment No. 3 specifies additional functions for the administrator to include:
 - (i) promoting compliance by the C&G Division with the laws (including workplace laws) of the Commonwealth, the States and the Territories; and
 - (ii) ensuring that officers and employees have complied and continue to comply with obligations of the Industrial Relations Act 1996, and if not, as far as reasonably practicable ensure they are held accountable for having not done so.
- (d) Amendment No. 4 provides the Minister must consider the public interest, objects of the Act and any other matters the Minister considers relevant when varying or revoking an administration scheme;
- (e) Amendment No. 5 specifies the maximum civil penalty for failing to assist the administrator;
- (f) Amendment No. 6 specifies the maximum civil and criminal penalty for anti-avoidance conduct;
- (g) Amendment No. 7 is a consequential amendment due to the imposition of civil penalties; and
- (h) Amendment No. 8 are machinery provisions to allow for proceedings for contravening the civil penalty provisions.

I also wish to note the Government will be moving one amendment concerning the regulation making power of the bill.

Schedule 1 to the bill provides that, on the appointment of an administrator and the establishment of an administration scheme by the Minister, the New South Wales CFMEU Construction and General Division will be under administration.

The administration scheme provides the power to suspend or remove office holders. The functions of the administrator include administration of the New South Wales CFMEU Construction and General Division; performing the functions of the State executive of the New South Wales CFMEU Construction and General Division; performing the functions of the divisional council and office holders and bodies of the New South Wales CFMEU Construction and General Division under the division rules; and controlling union assets and funds, including funds and other assets transferred before the administrator is appointed.

The administrator will be able to bring proceedings to recover funds, impose penalties and award compensation under the Industrial Relations Act 1996 or another Act. The administrator will be appointed for a period of five years.

The bill will provide the ability for the administrator to request the provision of documents or any other information required to exercise the functions as the administrator.

The Minister must, by order, establish a scheme for the administration of the New South Wales CFMEU Construction and General Division if satisfied it is in the public interest, having regard to the objects of the New South Wales Industrial Relations Act and any other matters the Minister considers relevant.

The bill contains a provision that permits the New South Wales Minister to, by order published in the gazette, terminate the appointment of the administrator and appoint another person as the administrator.

The bill contains a regulation-making power, if required, for matters dealing with functions and remuneration of the administrator and the administration of the scheme.

The regulation-making power also enables regulation to be made to amend the schedule proposed by the bill to make any changes necessary or convenient for the administration and to ensure consistency with the Commonwealth Act, which appoints an administrator to the CFMEU or an instrument made under the Commonwealth Act for the appointment of an administrator.

This is essential to ensure that changes can be made to the New South Wales scheme so it will operate effectively and consistently with the Commonwealth administration scheme.

The proposed bill also contains a sunset clause for provisions regarding the ability of the Minister to appoint an administrator and establish an administration scheme.

The sunset clause means that either on the fifth anniversary of the schedule's commencement or the day that the administration scheme expires, clauses 2 and 6 will be repealed.

The Government does not relish having to take this action.

However, the integrity of the building industry and of our industrial relations system is a priority for the Government and for the people of New South Wales.

The bill strikes the balance between not interfering with the important role and functions that unions perform as democratic organisations of their members, and stamping out corruption and gross misconduct when a union does not seem to be able to fix it on its own.

I commend the bill to the House.

Second Reading Debate

The Hon. DAMIEN TUDEHOPE (16:12): Subject to some amendments that I foreshadow the Opposition will move, the Opposition will support the Industrial Relations Amendment (Administrator) Bill 2024. On 3 May 2012 the then upper House Labor member the Hon. Sophie Cotsis, MLC, spoke on the Industrial Relations Amendment (Industrial Organisations) Bill 2012, opposing its proposal to enable the Minister to appoint an administrator for a State industrial organisation if there was an ongoing investigation into or evidence of gross misconduct by its officers, and proper administrative arrangements needed to be put in place. In her speech in reply to the second reading debate on this bill in the other place yesterday, Minister Cotsis criticised the Liberal staffers who "trawled" through her previous speeches to identify the apparent inconsistency between her position taken in 2012 and the bringing of this bill.

I compliment members of my staff for the work they have done in identifying the self-evident hypocrisy that comes from the Minister in relation to her position then and the position she takes now. In particular, I compliment Richard Egan from my office, who is diligent in pursuing these sorts of matters. The now Minister for Industrial Relations stated in 2012:

... we have grave concerns that this bill overreaches by giving a Minister of the Crown unprecedented power to appoint directly an administrator to an industrial organisation, rather than applying to the Industrial Relations Commission to appoint an administrator. This may have dangerous consequences ...

...

It is clear that the appropriate procedure is for an independent tribunal, the Industrial Relations Commission, to appoint an administrator, rather than merely a government by ministerial order.

During her contribution to the second reading debate in the other place yesterday, the member for Newtown identified the exact same problem with the bill: that it gives the Minister of the day the power to appoint an administrator. She said with concern, "It could be Minister Damien Tudehope or indeed Minister Tim James." What an appalling thought. What about the Hon. Chris Rath? He could be appointing an administrator. A more terrifying thought for those opposite there could never be.

This is a serious bill, notwithstanding the terror that it instilled in the member for Newtown. The Minister for Industrial Relations has brought this bill to do precisely the thing she then described as being inappropriate and overreaching and having "dangerous consequences". It is surprising that these dangerous consequences were not the subject of vigorous caucus debate. The Hon. Anthony D'Adam would have wanted to get involved in this process and say, "I'm not going to be dictated to by the Cabinet. This should be a matter that our caucus has some sort of debate about." But clearly the caucus had to be herded along like the sheep that they are to carry out the

will of their Cabinet. That is a lament that I am sure he will give some expression to, perhaps in an adjournment speech, at another time.

Back in 2012 the then Hon. Sophie Cotsis, MLC, moved an amendment to the bill that she explicitly justified as needed to protect the leadership of the then CFMEU from dismissal—the very thing the bill before the House empowers an administrator appointed by the Minister to do. In the other place, when reminded of this, the Minister attempted to defend her 2012 statements by claiming a different context. However, a careful reading of the 2012 bill and the debate on it confirms the view that the Minister was then categorically opposed to the notion of an administrator of a crooked union being appointed by a Minister. While we welcome the Minister's change of heart, it would be good if she acknowledged that both she and the Labor Party were wrong in 2012, and that, if the 2012 bill had been allowed to pass unamended, some of the alleged gross misconduct and criminal activity by unions like the CFMEU may have been able to be dealt with sooner.

In its application to the Federal Court seeking the appointment of an administrator for the CFMEU, the Fair Work Commission has stated that, since 2003, the CFMEU has been the subject of findings of contraventions of Federal workplace laws on more than 1,500 occasions, plus 1,100 contraventions by its office holders, employees, delegates and members; some 213 court cases have resulted in total penalties ordered against the CFMEU of at least \$24 million, plus at least \$4 million ordered against its office holders, employees, delegates and members; and there have been a dozen allegations of criminal conduct, including appointing people with criminal associations to office, threats made to construction industry participants and the soliciting of bribes.

From 2016 until it was abolished by the Albanese Labor Government, effective February 2023, at the behest of Labor's largest donor, the CFMEU, the Australian Building and Construction Commission [ABCC] brought prosecutions that resulted in fines totalling \$15.8 million being imposed on the CFMEU. In response to the Federal Labor Government's reckless abolition of the ABCC, the then New South Wales Coalition Government announced on 14 February 2023 that it would boost funding to the New South Wales Construction Compliance Unit [CCU] by \$1.3 million a year. It doubled its staff and resourcing to allow it to engage effectively in proactive monitoring, reporting and compliance activities, including more unannounced site visits on government-funded infrastructure projects. Noting that the New South Wales building and construction procurement guidelines were operating in the context of a Federal scheme, with a strong construction watchdog and enforcement agency in the ABCC, the Coalition also commenced an open consultation with industry stakeholders to review those guidelines.

Given her form on running protection for the CFMEU since at least 2012, it is hardly surprising that one of the first acts of the incoming Minister for Industrial Relations after the 25 March 2023 election was to order a halt to the review of the New South Wales building and construction procurement guidelines. In a media statement dated 20 May 2023, which is now strangely missing from the ministerial media releases website, the Minister for Industrial Relations announced the cancellation of the review on the specious grounds of cost. The Minister dismissed the substantive submissions from industry stakeholders as underwhelming.

In the other place, the Minister made a poor attempt to deflect from her failure to review and strengthen the guidelines in the new context of the abolition of the ABCC. The reality is that the ABCC was bringing successful prosecutions against the CFMEU, and Federal Labor abolished it for precisely that reason. For the same reason, the Minister for Industrial Relations acted to ensure that the CCU was not given the resources or the tougher guidelines needed to effectively address bad behaviour by the CFMEU.

The Minister and her Labor colleagues, from the Premier down, are feigning shock at the discovery that the CFMEU is crooked, that its leadership needs to be removed and that it needs a root-and-branch overhaul. They have only just discovered that. Are they serious? I urge them to read the article by Jennifer Hewett in yesterday's *Australian Financial Review*. It noted that an Academy Award should be offered to the members of the Labor Party who expressed such dismay and shock at the activities of the CFMEU, which everyone else knew were rampant within the building industry. Apparently, the only people who did not know that the organisation was riddled with criminal activity, with connections to outlawed motorcycle gangs and organised crime, are sitting on the Government benches. They did not know about it, but everyone else did. There are still financial members of the CFMEU with a voice in the Labor caucus—caucus members who received personal donations from the CFMEU for their election campaigns and who were preselected with CFMEU votes. The root-and-branch clean-out needs to start at home.

On 19 June 2024 the Minister for Regional New South Wales accused the Hon. Chris Rath of trying to "tarnish an entire union, the CFMEU ... working towards the greater good of society and standing up for working people in New South Wales". The Hon. Cameron Murphy said, "Unions like the CFMEU do an exceptional job ... I support the CFMEU." The Hon. Anthony D'Adam backed in John Setka's obscenely expressed view of the former commissioner of the ABCC. The Hon. Bob Nanva attacked the ABCC as an "outrageous, disgusting organisation". Just 25 days before the airing of the *60 Minutes* story that exposed the depth of corruption in the

CFMEU, it was made clear that Labor members in this place backed in the CFMEU as a great union. They hated the ABCC, the body that was successfully prosecuting the CFMEU for some of its transgressions, and they despised its commissioner.

The Opposition will support the bill to give the Minister the power to appoint an administrator, notwithstanding her former characterisation of such a ministerial power as dangerous and overreaching, and her colleagues' all-too-recent endorsement of the CFMEU as a great union doing good for all. I advise that the Opposition will move amendments to strengthen the bill so that it responds more adequately to the completely intolerable criminal enterprise that is the CFMEU. Those amendments include giving the administrator the power to apply to the Industrial Court for a summons to be issued for a relevant person to be examined by the court, to assist the administrator in carrying out the duties of its position in the face of obstruction. I would have thought that amendment would be supported by members in this place.

I will have more to say on the need to ensure that the administrator has the necessary armoury to get to the bottom of the issues it uncovers with the activities of the CFMEU. Without giving the administrator the necessary powers to properly investigate the activities of the CFMEU, the bill is window-dressing that will not address the fundamental problems of that union. It is imperative that the administrator have those powers. The Opposition will also move an amendment that requires the establishment of a royal commission into the CFMEU.

Finally, to avoid the need for the Minister to bring further legislation to allow the appointment of an administrator for any other union into which there is an ongoing investigation of allegations of gross misconduct by its officers—or where an investigation has found evidence of such gross misconduct—the Opposition will move an amendment to allow such ministerial appointments. To ensure that the power is not misused, the amendment will provide that the administration order will be a disallowable instrument. Members opposite are concerned about a future Minister Tudehope potentially appointing administrators to the unions. The Electrical Trades Union [ETU] might be the next one in our sights, given its conduct in holding the people of New South Wales to ransom on some of the projects it has been involved in. But I will reserve my position on the ETU for another day.

The Hon. Daniel Mookhey: Point of order—

The Hon. DAMIEN TUDEHOPE: In conclusion—

The DEPUTY PRESIDENT (The Hon. Rod Roberts): The member will resume his seat. Does the Treasurer still wish to take a point of order?

The Hon. Daniel Mookhey: I believe the Leader of the Opposition has just resolved the concerns that I otherwise would have had.

The Hon. DAMIEN TUDEHOPE: Subject to the amendments that I foreshadowed, the Opposition does not oppose the bill.

Ms ABIGAIL BOYD (16:28): On behalf of The Greens, I contribute to debate on the Industrial Relations Amendment (Administrator) Bill 2024. I state at the outset that The Greens oppose the bill. It allows unfettered power to the Minister for Industrial Relations to appoint an administrator of a union on terms that are yet to even be set out. Despite the union's name being missing from the title of the bill, it is of course directed at one union, being the CFMEU. Its members work in some of the most dangerous jobs in our State. They work on big construction projects, in the energy industry, in boiler rooms and in oil refineries. They perform maintenance on major pieces of machinery and do other jobs where far too often the consequences of employers doing the wrong thing, cutting corners, pushing their workers too hard or not providing adequate safety equipment are serious injury and death. When it comes to construction in particular, the pursuit of profit at all costs by large corporations, coupled with the huge influence of big industry players on political parties, has led to a regulatory and enforcement environment that leans far too heavily in favour of the bosses and has paid insufficient regard to the rights and safety of the workers.

Unions are necessary in every industry, but construction is arguably the one in which unions have become most critical, because they are the ones policing businesses on their compliance with workplace safety laws in the absence of strong regulators. The CFMEU proudly says that it never compromises on worker safety and, from everything I have seen of it over the years, I believe that to be true. The CFMEU is well known for supporting workplace health and safety representatives, providing training and doing whatever it can to improve safety at worksites. It is regularly blowing the whistle on companies that do the wrong thing and demanding better for its members. It is also true to say that the CFMEU has done a remarkable job in delivering better wages and conditions, superannuation, redundancy pay, income protection and even a working week with reduced hours. It is worth commenting on the success of the CFMEU in keeping its workers safer, providing them with better pay

and conditions and, in turn, keeping the exploitation of workers in check, because it helps to explain just how much big capital hates the CFMEU.

The more successful the union, the more hated it is by business and conservative politicians, and the more quickly anti-union forces will act to bring that union down. It is in that context that we need to view the reporting in the Nine Media newspapers and the reactions to allegations that certain CFMEU officials are involved in corrupt behaviour. Make no mistake: Any allegation of corrupt behaviour needs to be taken incredibly seriously. There should be no tolerance for taking bribes, making threats or providing unlawful inducements in any business or undertaking. That sort of unethical, immoral conduct is undoubtedly harmful and needs to be stamped out. We have laws already for that. Those things are, and should be, illegal; and they need to be investigated, prosecuted and trialled in the usual way. But let us look at the utterly hysterical reaction we have seen from both sides of politics since these allegations first surfaced—or, in the case of the New South Wales branch, resurfaced—through media reporting.

Unlike when Qantas was found to have illegally fired workers, unlike when the Labor Party was accused of taking donations in paper bags, unlike when the Liberal Party became embroiled in multiple rorts and pork-barrelling scandals, the response to allegations of illegality in the CFMEU has been not to let the usual legal processes play out, but for government to effectively cut the union off at its knees, removing the union's autonomy and disrespecting the membership of a democratic union by putting it into administration. Don't even get me started about the ridiculous calls by the Liberals for royal commissions and deregistration. It is sad that so much of our politics in New South Wales has become so populist. When faced with issues that demand sober and considered leadership and careful responses, the go-to for the Minns Labor Government, unfortunately, has been to take the most simplistic route—the kneejerk extreme reaction to whatever the problem is, much to the glee of the equally populist Liberal Party.

We are now stuck in a race to the simplistic policy solution bottom, with only The Greens calling out both parties for their hypocrisy and calling on the Government to instead chart a sensible course that swiftly and decisively condemns all corruption while also seeking to protect one of our most critical unions from being disempowered in its continued fight for its workers. We can easily see what would happen without a strong and militant CFMEU fighting for its workers. On smaller construction sites across the country, many workers are non-unionised. Their wages are lower, they are exposed to higher risks, and many do not even have toilets onsite. On larger State projects with big developers where unions have been involved, wages are higher and developer profits have been squeezed. Let me be crystal clear: Higher wages as a result of union bargaining is a good thing and not a product of corruption. On the other hand, the conflicts of interest and lack of transparency and accountability involved in government negotiations with large developers for critical State infrastructure, particularly when the Coalition Government was in power, are a bad thing and are almost certainly riddled with corruption, or at least some very dubious understandings of what is in the public interest.

Our inquiry into the use of consultants uncovered millions upon millions of dollars being paid by government transport and infrastructure agencies to consultants and contractors at rates that were multiples higher than those at which they would hire employees, and example after example where contract values with companies were restated at eye-watering amounts compared to initially disclosed values. Don't even get me started on the dodgy privatisation deals done by the previous Government, and the way in which restrictive contracts were entered into across numerous transport projects that allowed big companies to walk away with massive unearned income streams for decades to come, at the expense of the residents of New South Wales. The revolving door between property developers and major political parties at all levels of government is equally shocking and telling. Yet what do we hear from those shamelessly wanting to bring down the CFMEU? "Oh, it's corruption"—as yet unproven, mind you—"that is pushing up the cost of construction of government projects." I mean, give me a break.

It is irresponsible in the extreme to be drawing that connection without looking to those in power—all the politicians and big corporations—and explaining what their role is in the myriad issues within the construction industry while reporting on the CFMEU. But, no; it is the CFMEU that is the convenient villain in this story, the one that can be reimagined as a sea of drug-using brutes on motorbikes, speaking rough and up to their eyes in corruption, and not as the hardworking and critical workers in some of the most dangerous jobs in our State. The average union member in Australia is a 36-year-old nurse, and yet this misrepresentation of union members as thuggish men continues to live large in the imagination of many Australians. We could have had a sensible, non-sensational response to the reporting of the Nine Media newspapers. Instead, we have an almost McCarthyist response to the stories, with the Liberal Party demanding to know who is a CFMEU member. I am not a CFMEU member—although I would love to be, if I was in that industry—and neither am I a witch.

Here we are, with this bill before us today. I acknowledge the work of my colleague Jenny Leong, the member for Newtown, who fought valiantly in the other place yesterday to try to defeat, or at least better, this bill.

I also acknowledge the Treasurer and the Minister for Industrial Relations for engaging with me on the bill. While we can disagree on the need for the bill at all, we can agree on the importance of at least futureproofing it from a future anti-union Liberal Government. I believe the amendments foreshadowed by the Government will go some way to alleviating the worst parts of the bill. I will not repeat all aspects of the excellent contribution that the member for Newtown made in the Legislative Assembly on the specifics of the bill, but I will reiterate a few of The Greens' primary concerns.

First and foremost, the fact that we are debating a bill that is able to be changed later by regulation, to fit whatever gets decided in the Federal version of this bill, seems a very strange and dangerous way of going about lawmaking. The case for urgently rushing this bill through today, before the Federal bill has been agreed, has not been made out. I note that just in the last hour the Federal Parliament voted down a procedural motion that would have allowed its bill to proceed. It is now deeply unclear whether that bill will make it through the Federal Parliament in the current sitting fortnight. That has led to an extreme Henry VIII provision being included, which, ordinarily, in other circumstances, The Greens would not allow to be included in legislation. The incredibly broad powers to be granted to the Minister are concerning, although they are made less concerning if at least they will be excluded prior to the next election.

These incredibly broad powers will be granted also to the administrator under the bill, which is extremely concerning. The union's assets and funds will be under the control of the administrator, but they are, of course, the workers' assets and funds. Members have paid their union fees to ensure that the union can represent their interests. Giving control over those assets to an administrator in place of a democratically elected leadership is an extraordinary move for a Labor Government to be taking part in. To conclude, The Greens are the first to call out corruption in all of its forms. We are fierce defenders, though, of the rule of law, and we will always call out sensationalist, overreaching kneejerk responses like this one that are predominantly about political games and not about solving the issue at hand. The Greens are incredibly disappointed to see the Labor Government betray the union movement in this way. The Greens oppose the bill.

The Hon. CHRIS RATH (16:38): I support the Industrial Relations Amendment (Administrator) Bill 2024. My only concern is that it does not go far enough. Section 290B of the Industrial Relations Act currently enables the Minister, in conjunction with the commission, to appoint an administrator for a State industrial organisation arising from a number of circumstances, such as gross misconduct by officers of the organisation or the need to enable administrative arrangements to be put in place. The bill makes a fundamental change to the existing industrial relations framework concerning industrial organisations by expediting the processes for auditing and administering the CFMEU.

The critical question is why stop there. Why has the Government only allowed the Minister to appoint an administrator for this corrupt union when there are dozens of others lurking under the rug, operating on borrowed time? Why should we have to wait for legislation to come through every time the State identifies gross and malfeasant behaviour? The reason is that the Labor Party is in la-la land; its members have got their fingers in their ears, trying to convince themselves that it is a bad dream and that unions are not the same corrupt bunch that have been identified time and time again over the past 20 years.

In that context, the Labor Party's inaction on this matter has been shocking. The Labor Party tried to justify its opposition to the Coalition's bill of the very same nature introduced in 2012 to combat union corruption. I must say that I prefer the 2024 Sophie Cotsis to the 2012 Sophie Cotsis, because she is right now, but she was wrong back then. In 2012, talking about misconduct within the Health Services Union [HSU], she said it was an exception rather than the rule, but there sure do seem to be a lot of exceptions to the rule. There was the HSU scandal, with Craig Thompson resigning from Parliament over his own corruption. Then there was the HSU East scandal with almost a decade of prison time given to its leader, Michael Williamson.

There was the first CFMEU scandal for which a royal commission found that the union acted in "wilful defiance of the law". Then there was the scandal involving the royal commission recommending fraud charges against Australian Workers' Union officials for their use of a secret slush fund in the 1990s—and the list goes on and on. Are those all exceptions to the rule, or is that the rule for the union movement? The fact is that unions cannot be trusted, and steps must be taken to stop the endless cycle of corruption.

This bill is a good one but the Government could do many more things to clean up the CFMEU. Firstly, as the Hon. Damien Tudehope said, we need a royal commission with extensive powers to ensure the full prosecution of any CFMEU criminality in New South Wales. Secondly, in addition to a royal commission, and to foreshadow a potential amendment, the Government should do four other things to ensure that wrongdoing of this nature does not occur again. The first one is that the Labor Party needs to give up the CFMEU donations that it has been addicted to for so many years. Those donations, in many ways, could help fund the very royal commission that we are calling for; if not fund the royal commission, they could help the victims of this very criminal activity. That precedent was set by former Labor leader Luke Foley in 2018. He gave up tainted donations that the Labor

Party received. If it was good enough in 2018, why is it not good enough in 2024? Maybe Luke Foley had more integrity than the current Premier, Chris Minns. We should judge the Premier by that standard.

The second one is a State-based construction watchdog like the Australian Building and Construction Commission, given the nature of infrastructure projects in this State and how deeply involved CFMEU officials are in that process. We should definitely have a State-based construction watchdog. It is appalling that the Albanese Government has abolished it at the Federal level. It did a lot of great work and it should be restored. The third one is the need for an audit of all CFMEU involvement in all New South Wales Government projects. Thuggish CFMEU officials should not have influence over multibillion dollar taxpayer-funded projects for their own gain. Finally, the Premier must end the ability of union officials to sit on their party's powerful administrative committee. Labor members of Parliament should also be required to choose between a CFMEU membership or a Labor Party membership, not both.

This is a good bill but the Government could bring in additional measures to clean up the CFMEU and to improve the Labor Party. Labor members have got a Faustian pact with the trade unions, and the CFMEU, that has been going on for far too long. Free yourselves! Free yourselves of the shackles of the union movement. It is only 8 per cent of the private sector workforce but 100 per cent of you opposite. If you did divorce yourselves from the CFMEU—

The Hon. Daniel Mookhey: Point of order: The Opposition Whip knows full well that he should be addressing his remarks through the Chair.

The DEPUTY PRESIDENT (The Hon. Rod Roberts): I will be honest and say that I was distracted by my phone. I will not call the member to order, but the Treasurer is right that members should always direct their comments through the Chair.

The Hon. CHRIS RATH: The Labor Party should free itself of the trade union movement and extricate itself out of it, especially when union membership is on the decline and has been for decades. Labor members need to end the Faustian pact that they have. There are some good ideas in this bill and I hope that they are adopted. It is a good bill but it is important for the House to remember how we actually got here. I go back to 2012—and I will repeat some of the history that the Leader of the Opposition has mentioned—when the then O'Farrell Coalition Government introduced a practically identical bill to deal with the abhorrent and criminal conduct of the Health Services Union and all unions. The current Minister for Industrial Relations, Sophie Cotsis, had much to say about the prospect of a Minister being able to unilaterally appoint an administrator for a union. She stated:

... we have grave concerns that this bill overreaches ...

She went on:

This may have dangerous consequences that put at risk the effectiveness of the day-to-day running of any industrial organisation ...

Has someone checked in on those opposite? It seems as if the reforms they are making today are the same ones that they apparently had grave concerns about 12 years ago, so we on this side of the Chamber seem to be about a decade ahead of the Labor Party in policy. I ask those opposite to not trust their own judgement on policy but just listen to us because we were right in 2012 and now those opposite have finally caught up. Or maybe it is different this time. Maybe now, 12 years after the Labor Party members voted with their vested union interests against this common sense, they have realised that union corruption and mismanagement is a problem that requires critical and powerful tools to combat.

We on this side of the House only hoped that the Government was mature enough to accept that union corruption and mismanagement is a proven, harmful issue that pervades this State. Instead, the Government is being dragged kicking and screaming, a decade too late, to a bandaid solution to a problem that will no doubt rear its head in the coming years. When that happens, I will point back to today as the day that the Labor Party could have prevented theft, corruption and fraud, but did not. I am sure many more administrators will be appointed in decades to come and we will all look back at this debate thinking—

The Hon. Damien Tudehope: The ETU.

The Hon. CHRIS RATH: Maybe the Electrical Trades Union will be next. Who knows? I am sure there will be many. It is a good bill but it is about 10 years too late; in fact, it is probably 20 years too late. I thank the Labor Party for copying our homework. I commend the bill to the House.

The Hon. EMMA HURST (16:48): I speak on the Industrial Relations Amendment (Administrator) Bill 2024 on behalf of the Animal Justice Party. The Animal Justice Party is a strong supporter of unions and the union movement. We believe unions across New South Wales do an amazing job in advocating for the rights of vulnerable workers and they play a critical role in our society. The allegations that have emerged around

corruption, standover tactics and links to organised crime figures within the CFMEU are disturbing, and they do demand action.

I have had my own concerns about the CFMEU since Mr John Setka threatened industrial action if the Labor Government implemented a ban on duck shooting. The CFMEU was part of a coalition of unions that attempted to bully the Victorian Government, publicly threatening to shut down major infrastructure projects around the State if a duck-shooting ban was implemented. That was a shocking decision for a union that is meant to be spending its time and resources advocating on behalf of its workers for better pay and conditions. The fact that the leadership of the CFMEU was willing to use its platform and the union dues of its members to advocate to keep the killing of ducks for sport legal is disgraceful. As someone who cares deeply about the rights of both workers and animals, I cannot understand why the union would have adopted a position that is so clearly against the public interest and so far out of the scope of its work as a union. The Animal Justice Party will not forget that action.

In regard to the legislation before us, the Labor Government has determined that the CFMEU should be placed into administration and is seeking to do so via this bill. I have some concerns about the extent of the powers afforded to the Minister in the bill, noting that it gives the Minister the power to appoint and terminate an administrator for up to five years and determine what that administration scheme will look like. It also gives the Government extensive Henry VIII style regulation-making powers. I hope that some of those matters will be addressed by way of amendments. I also have real concerns about who will advocate for workers in the construction industry while the union is placed into administration, which is something the Labor Government has not adequately addressed. My position on the bill is therefore dependent on the amendments that pass in the Committee stage.

The Hon. DANIEL MOOKHEY (Treasurer) (16:50): In reply: I place on record my appreciation for the members who made a contribution to the second reading debate: the Hon. Damien Tudehope, the Hon. Chris Rath, Ms Abigail Boyd and the Hon. Emma Hurst. I imagine the House can turn its mind to the suggested Opposition amendments during the Committee stage. I look forward to that debate. With respect to the comments made by Ms Abigail Boyd, I appreciate that everyone brings their own convictions to these matters, and there is no doubt that Ms Abigail Boyd has brought hers. I also place on record my appreciation for the capacity to once again work with Ms Abigail Boyd professionally throughout this process.

With respect to the comments made by the Hon. Chris Rath about the intentions of a future Coalition government with respect to other unions, I make the point that a second reading debate is not an opportunity to slander unions like the Electrical Trades Union without evidence. The Opposition is entitled to disagree and oppose the union industrially and politically, but using a second reading debate as a platform to capriciously throw out threats of future administration is perhaps not an opportunity that the Opposition Whip should have embraced. We are dealing with a serious matter. I observe that as the debate takes place, it is important to ensure that members do not see it as an opportunity to pursue ideological vendettas without evidence. If there is actual evidence that members wish to bring before the House, they can. They can also bring it to the attention of the appropriate authorities. That is the way in which the rule of law works.

With respect to the issues raised by the Hon. Emma Hurst, I am not 100 per cent apprised of precisely what campaigns the CFMEU in Victoria has waged. I acknowledge that the Hon. Emma Hurst delineated between the Victorian circumstance and the New South Wales circumstance. It is fair to say that this is a serious matter. I thank members for seriously engaging in the debate. The issue requires a complex response, given the interaction of Federal law and State law on a matter of high public interest. I look forward to the Committee stage. I recommend that the bill proceed beyond the second reading stage.

The DEPUTY PRESIDENT (The Hon. Rod Roberts): 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 sheets of amendments, being Government sheet c2024-147F, The Greens sheet c2024-149A and Opposition sheet c2024-132E.

The Hon. DANIEL MOOKHEY (Treasurer) (16:56): By leave: I move Government amendments Nos 1 and 2 on sheet c2024-147F in globo:

No. 1 **Regulation-making powers to expire 2 years after commencement—consequential amendment**

Page 9, Schedule 1, proposed clause 18, line 34. Omit "clauses 2–6". Insert instead "certain provisions".

No. 2 Regulation-making powers to expire 2 years after commencement

Page 9, Schedule 1, proposed clause 18. Insert after line 38—

- (2) Clause 9(3), definition of **relevant person**, paragraph (d) and clause 17 are repealed at the end of the day that is 2 years after the commencement of clause 17.
- (3) Despite subclause (2), a regulation made under this schedule and in force immediately before the repeal of clause 17 continues in force until clauses 2–6 are repealed.

The amendments address concerns raised in the second reading debate about the regulation-making powers in the bill. In addition to that, they pertain to the capacity of an administrator to require a relevant person to provide them with assistance under compulsion. The effect of the amendments is to sunset those particular clauses within two years. That is designed to address concerns that have been raised about whether or not the Government's intention is to have those as permanent features of the Industrial Relations Act 1996 or, rather, features of the Act that are required for the circumstances that we are currently in. To be clear, there is a need for a regulation-making power for the simple reason that, as I alluded to in the second reading stage, there is a complex interplay of Federal and State law.

As members alluded to in the second reading debate, the Federal Parliament is engaged in debate on a like bill, and there is a need to ensure that there is alignment between the bills. The regulation-making power is designed to ensure that, as the administration is in effect, those powers stay aligned so that there is no discrepancy in the scope of an administrator's authority with respect to the Federal-registered union and the State-registered union. I acknowledge that the Government has had the opportunity for dialogue with Unions NSW and the union movement about that particular issue. I also acknowledge that The Greens have raised the issue and, equally, the Animal Justice Party has raised the issue too. The Government's intent has never been to make it a permanent fixture of the Industrial Relations Act. There are other parts of the bill that demonstrate that intent, which the Government alluded to in the other place yesterday. We bring the amendment to clearly put that question beyond any dispute.

There will be clarity that the Henry VIII power, as it has been described, is limited to a reasonable period of time for an administrator to undertake their administrative function required by the bill. As broader context, the best advice available to the Government is that the State-registered union is not necessarily the prime actor in the Federal system. Of course, the bulk of the substantial administration will take place with respect to the federally registered union. That is not to diminish the importance of State-registered unions by any means. It simply alludes to the fact that there is a complex interplay between Federal and State administration.

When other unions that have been dually registered have found themselves in administration, such as the Health Services Union, there has been cross-vesting of the processes in the Act via the court to avoid that outcome. It is fair to say that the lessons that have been learnt from that are also relevant here. The amendments are not designed to impede the ability of the administrator to undertake their function but rather to put it beyond any legal doubt. I advocate for the amendments to be accepted because they get the balance right between the principle the Government is trying to achieve and its technical execution as an act of law. We want to put beyond doubt any concern people may have that we are establishing a permanent feature of the Industrial Relations Act that is disproportionate to the challenges faced by State unions. I appreciate the opportunity to consult with Unions NSW, The Greens, the Animal Justice Party and others who have a relevant interest in the matter. I thank them for the nature of the dialogue that we have had.

The Hon. DAMIEN TUDEHOPE (17:01): I thank the Treasurer for that explanation, although I think it hides the real reason for the amendments. They are certainly amendments requested by the union movement, and potentially Ms Abigail Boyd in respect of the concerns that she articulated. Let's not beat around the bush. This is the first admission the Government has made that it is going to lose the election in 2027. It is the first admission, because the amendments are designed to avoid the possibility of the Hon. Chris Rath having the benefit of these powers if he were to become the Minister for Industrial Relations. It is the anti-Chris Rath provision to get rid of those powers.

The Treasurer made play of the fact that there is a complex interplay between a federally registered union and the harmonisation of the bill with Federal legislation. This provision does not exist in the Federal bill, so that rationale is just not available to explain why the amendments are necessary. The only explanation is that members opposite and those on either the progressive or regressive crossbench are so concerned by the re-election of a Coalition government in 2027. The fact that these laws might be available to it means they will ensure that the regulation-making power and the administrator's appointment is well and truly over by that date. However, the Opposition will not oppose the amendments.

Ms ABIGAIL BOYD (17:03): On behalf of The Greens, I indicate that we support the amendments and thank the Government for bringing them. My colleague the member for Newtown in the other place spoke about

her amendments, which were a variation of what these amendments seek to do. We were alerted through the great work of the Legislation Review Committee, which pointed out that the provision is a Henry VIII clause that gives such broad powers to the Minister that they could basically re-engineer what is supposed to be the dominant Act in a subordinate bit of legislation. Our interest was piqued given how much we hate Henry VIII clauses. The other provision about the definition of relevant person in paragraph (d) is also pretty broad in its ability to designate a person under regulation to be a relevant person for the purposes of being able to be called on by the administrator to provide documents and be subject to a bunch of the administrator's powers. Under that, it could be anybody. It could be the honourable member of the Opposition. Who knows who it could be?

Ms Sue Higginson: It could be Chris Rath.

Ms ABIGAIL BOYD: It could be the Hon. Chris Rath. It is an incredibly broad provision. We do not like it at all. We would rather that it and the Henry VIII clause were not there at all. As a compromise, with more faith in the Labor Government than we would have in a future potential Coalition government, we would at least like this provision to fall away before the next election. I will be quite frank about that, because The Greens do not want to see a Coalition government in the next hundred years at least, but the electorate is a fickle beast. If we did end up with one, we certainly would not want it interfering with the union movement, which would be even more vital and valuable than ever before. On that basis, we support the amendments.

The CHAIR (The Hon. Rod Roberts): The Hon. Daniel Mookhey has moved Government amendments Nos 1 and 2 on sheet c2024-147F. The question is that the amendments be agreed to.

Amendments agreed to.

Ms ABIGAIL BOYD (17:07): I move The Greens amendment No. 1 on sheet c2024-149A:

No. 1 **Administrator to report to Parliament**

Page 9, Schedule 1. Insert after line 18—

16A Reports about administration to be tabled in Parliament

- (1) The administrator must give the Minister reports about the administration of the CFMEU, C & G Division at intervals of not more than 6 months.
- (2) Without limiting subclause (1), the report must include details of the following—
 - (a) actions taken by the administrator under this schedule, including under the administration order,
 - (b) the expenses of, and incidental to, the conduct of the affairs of the CFMEU (NSW) by the administrator during the period to which the report relates, including the administrator's remuneration during the period.
- (3) The Minister must table the report in both Houses of Parliament within 10 business days after receiving the report.

I apologise because the amendment was only lodged at 4.20 p.m. It has been one of those days.

The Hon. Daniel Mookhey: You got it in on time.

Ms ABIGAIL BOYD: We did, and we had preliminary discussions with the Treasurer and the Minister about it. The amendment is very similar to what my colleague put forward in the lower House, with the exception of paragraph 2 (b), where we refer only to the New South Wales branch of the CFMEU. That is to acknowledge that, although the Minister in New South Wales will receive reports from the administrator about the New South Wales aspects of the CFMEU, under the administration it would not be appropriate for that information to come to the Parliament if it was not about the New South Wales branch. It would instead be referred to the administration of the Federal entity more broadly. On that basis, given that the Minister will be receiving those reports from the administrator, the request is for that information to be passed to the Parliament so that we can see with full transparency whether assets such as property and land are being sold off. On that basis, we commend the amendment to the Committee.

The Hon. DANIEL MOOKHEY (Treasurer) (17:08): The Government supports the bill as it is. We well and truly understand the intention of The Greens in moving the amendment, but I simply point out that under the law, when it comes to administration, there is also a role for the courts as a body that can oversight administration. It is envisaged that the administrator will have responsibilities under a variety of different laws and, equally, that the administrator will have a series of reporting requirements imposed upon them by this bill and by the legislation that may be passed by the Commonwealth Parliament. There are also interactions yet to be resolved with court systems, both Federal and State, that apply to an administrator. Therefore, whilst the Government very much understands the intention behind the amendment, it cannot yet support the proposition.

That is particularly the case because the nature of the information that is to be provided requires the assessment of issues that include the confidential rights of union members in industrial negotiations. Other issues to do with compliance with the law also may or may not be required. The Government has sought a regulation-making power so that in the future it can provide further information publicly where possible. We will therefore see how we go with the administration process, but I appreciate the reasons behind the amendment.

The Hon. DAMIEN TUDEHOPE (17:10): The Opposition will not be supporting the amendment.

The CHAIR (The Hon. Rod Roberts): Ms Abigail Boyd has moved The Greens amendment No. 1 on sheet c2024-149A. The question is that the amendment be agreed to.

Amendment negated.

The CHAIR (The Hon. Rod Roberts): That leaves us with the Opposition amendments Nos 1 to 4 on sheet c2024-132E. Before I invite the Hon. Damien Tudehope to move the Opposition amendments, I note that amendment No. 1 is a consequential amendment and will only come into play if amendments Nos 2 to 4 are successful. I invite the member to keep that in mind as he moves the amendments.

The Hon. DAMIEN TUDEHOPE (17:11): I move Opposition amendment No. 2 on sheet c2024-132E:

No. 2 **Royal Commission to be established**

Page 9, Schedule 1. Insert after line 38—

Schedule 7 Royal Commission to inquire into CFMEU and related entities

Part 1 Preliminary

1 Definitions

In this schedule—

CFMEU has the same meaning as in Schedule 6.

criminal organisation means—

- (a) a criminal organisation or declared organisation, within the meaning of the *Crimes (Criminal Organisations Control) Act 2012*, or a member of the organisation, or
- (b) another criminal enterprise or member of a criminal enterprise. **Royal Commission** has the same meaning as in the *Royal Commissions Act 1923*.

Part 2 Royal Commission to inquire into CFMEU

2 Royal Commission into CFMEU

- (1) There is to be a Royal Commission to inquire into, and report to the Governor about, the CFMEU.
- (2) The letters patent for the Royal Commission are to be issued no later than 28 days after the commencement of the *Industrial Relations Amendment (Administrator) Act 2024*, Schedule 1.

3 Matters into which Royal Commission is to inquire

The Royal Commission is to inquire into and report about the following matters—

- (a) whether conduct by the CFMEU, or any separate entities (**related entities**) established by the CFMEU or its officers, amounts to misconduct or the contravention of a law or a professional standard,
- (b) if conduct referred to in paragraph (a) does amount to misconduct or a contravention of a law or a professional standard—whether the conduct should be referred to a Commonwealth or State agency to determine whether criminal or other legal proceedings should be taken,
- (c) whether any bribe, secret commission or other unlawful payment or benefit arising from a contract or other arrangement or understanding between the CFMEU, or an officer of the CFMEU, and another party has been paid,
- (d) whether any arrangement or relationship exists between the CFMEU, or an officer of the CFMEU, and a criminal organisation or the organisation's members for the purpose of furthering the interests of the following—
 - (i) the CFMEU or related entities,
 - (ii) an officer of the CFMEU or a related entity,
 - (iii) a member of the CFMEU or a related entity,
 - (iv) the NSW Labor Party, including members of the Labor Party who are members of the Commonwealth or State Parliament, or councillors and candidates for election to the Commonwealth or State Parliament or councils,

- (v) any other person or organisation,
- (e) the governance arrangements of the CFMEU and related entities, with particular regard to the following—
 - (i) the financial management of the CFMEU and related entities,
 - (ii) the adequacy of existing laws in relation to—
 - (A) the integrity of the financial management of the CFMEU and related entities, and
 - (B) the accountability of officers and members of the CFMEU about the use of funds or other assets in relation to related entities,
 - (iii) whether the related entities are used, or have been used, for an unlawful purpose,
 - (iv) the use of funds solicited in the names of related entities for the purpose of furthering the interests of—
 - (A) an officer of the CFMEU, or
 - (B) a member of the CFMEU, or
 - (C) the NSW Labor Party, including members of the Labor Party who are members of the Commonwealth or State Parliament, or councillors and candidates for election to the Commonwealth or State Parliament or councils, or
 - (D) any other person or organisation,
- (f) the adequacy of existing laws and policies relating to the matters in paragraphs (a)–(e) to identify, regulate and address misconduct or criminal activity in the CFMEU or related entities,
- (g) the ability and effectiveness of law enforcement agencies identifying, regulating and addressing misconduct or criminal activity by the CFMEU and related entities and whether any additional agency or body is required to fill any identified shortfall,
- (h) any matter reasonably incidental to a matter mentioned in paragraph (a)–(g).

This amendment would require the establishment by letters patent of a royal commission to inquire into and report on the CFMEU within 28 days of the commencement of schedule 1 to the bill. My colleague the Hon. Chris Rath voiced the sentiment behind the calling of a royal commission in that the allegations are so serious that there needs to be a full-scale inquiry to focus on allegations of criminality and corruption involving officers of the CFMEU. That is a different focus than is given to the administrator under the bill, which is to restore the CFMEU to functioning in accordance with its proper role as an industrial organisation.

A royal commission is necessary because the role of the administrator is to clean up the organisation going forward, but not necessarily to look back at what has already occurred in the union. The only way that the people of New South Wales can have any confidence that those elements are not exercising control of the CFMEU is to shine a light on what has gone on previously. A royal commission would be able to exercise the powers given under the Royal Commissions Act to compel witnesses to attend, to answer questions and to produce documents. Those powers are stronger than those given to the administrator under the bill, and they serve a different purpose—that is, uncovering unlawful or corrupt practices and dealing with them appropriately.

For the Government to reject the amendment would be an admission that it does not have the stomach for cleaning up corruption. The Labor Government needs to thoroughly clean out the muck of the CFMEU stable, and it does not have the stomach for it because it is so wedded to the affiliation fees and donations. The Opposition will not be surprised if the Government does not support the amendment. It is something Government members just cannot bring themselves to do, even in the face of the revelations that have been made.

It requires fortitude and real guts to embrace a royal commission and not just the appointment of an administrator. If the Government really was determined to clean up the CFMEU, it would do its job properly and give the people of New South Wales confidence that the very valuable infrastructure projects that are carried out in this State—which cost them lots of money—are not underpinned by the activity of a union that is ripping them off. To be entirely even-handed—and many people have made this point—corruption is not just on one side; it is a two-sided affair. Often, if there is corruption, there are two parties to the corruption. Corporations that turn a blind eye to potentially corrupt activity that is solicited from them or that adopt it as part of the course of doing business are equally responsible.

A royal commission should uncover the activity of those corporations and the people within them who are complicit with the CFMEU. The corporations that engage in corruption and the CFMEU officials that solicit the corruption are ripping off the people of this State. Now is the chance. If the Government claims that people out

there are ripping off the people of New South Wales, it should embrace a royal commission. Let us clean this up once and for all. Let us expose it to the light of day. I urge members to support the amendment.

The Hon. DANIEL MOOKHEY (Treasurer) (17:16): The Government opposes the amendment for substantially the same reasons that were provided when the House had the opportunity to consider the issue in a motion last week. For those who were not paying attention at the time, let me summarise those reasons. The first is the fact that the royal commission that the Opposition agitates for has already been done twice. In 2013 the then Coalition Federal Government launched a royal commission, which spent a lot of time investigating the home renovation of a former Prime Minister of 20 years earlier.

A series of allegations were then directed at the then Federal Labor leader. Even I had the opportunity to participate in that royal commission. I happily provided evidence for many hours about printing bills to do with my voluntary efforts to clean corruption out of the Health Services Union. I cannot help but observe that that particular royal commissioner then found himself subject to a judicial inquiry under the auspices of the High Court, on which he previously served. I will not digress too much further down that path; I simply make the point that the strategy was tried in that year. Lest that not be persuasive to members opposite that royal commissions are an ineffective solution to the problem that they describe, I invite them to consider the actions that another Coalition Government took a decade prior to that. I am sure members recall the Cole royal commission, which also investigated the CFMEU.

If members take the Leader of the Opposition at his word about the sincerity of his convictions on this matter, they would presume that he has proposed a scheme with a reasonable prospect of success. I take him at his word when he says that he is genuine about wanting to stamp out corruption no matter where it occurs, be that in businesses, unions, the public sector or political parties. I genuinely believe that. He and I have our differences, but he is sincere in that respect. Members would therefore expect him to promulgate a solution that would work, but that is not what he is doing. Members need not take my word for it. I point to the two previous royal commissions that took place at great public expense and did not yield the change that he says he supports. In reality, the better practice for confronting the issues that appear in trade unions is to take that the Government has proposed, which is to place the union into administration and equip the administrator with the capacity to inquire into it.

I also remind all and sundry that there is a criminal justice system that surrounds all of this, and that system has its role too. It affords the State the capacity to bring prosecutions if there is a view that there has been wrongdoing. It also provides people with protections of their civil liberties. The Government is not committing to a royal commission at great public expense. That would also take a long time. The royal commission the previous Government set up a decade ago took three years to report. Rather than waste money like that only to arrive at a recommendation that the union be put into administration, we need to be allowed to do what the bill proposes—that is, to work alongside the Federal Government, which has made it clear that the Federal union is the main legal entity that is most active in industrial relations, to place the union into administration. Our proposal is a concurrent action to that.

Ms ABIGAIL BOYD (17:20): The Greens do not support the amendment. The reasons we do not believe that this is necessary or warranted were well ventilated on private members' day last week. I think this is a perfect example of the race to the bottom seen with populist politics in New South Wales at the moment. I guarantee that if the Labor Government had not come out with an administration plan, it would have been what the Opposition was instead calling for. Because the Labor Government suggested an administrator and the administration plan—we had it at the Federal level—the next step in escalation is to call for a royal commission, and that is exactly what the Opposition has done. It does not mean anything. It is not going to achieve any of the outcomes that people are saying they want it to achieve, for many of the reasons that the Treasurer so eloquently set out. The amendment is hysterical. It is not a sensible policy reaction to the evidence that has been brought forward. It is a populist suggestion designed to get some media grabs.

The CHAIR (The Hon. Rod Roberts): The Hon. Damien Tudehope has moved Opposition amendment No. 2 on sheet c2024-132E. The question is that the amendment be agreed to.

Amendment negatived.

The Hon. DAMIEN TUDEHOPE (17:22): I move Opposition amendment No. 3 on sheet c2024-132E:

No. 3 **Industrial Court's additional powers in relation to relevant industrial organisations**

Page 9, Schedule 1. Insert after line 38—

Schedule 8 Industrial court's additional powers in relation to relevant industrial organisations

1 Definitions

In this schedule—

CFMEU has the same meaning as in Schedule 6.

relevant industrial organisation means—

- (a) the CFMEU, or
- (b) an industrial organisation of employees the subject of an administration scheme under Schedule 6 or 9.

2 Mandatory examination

The industrial court must summon a person for examination about the relevant industrial organisation's affairs if—

- (a) an administrator applies for the summons, and
- (b) the industrial court is satisfied the person—
 - (i) has taken part or been concerned in affairs of the relevant industrial organisation and has been, or may have been, guilty of misconduct in relation to the relevant industrial organisation, or
 - (ii) may be able to give information about the affairs of the relevant industrial organisation.

3 Affidavit in support of application

- (1) The administrator must file an affidavit that supports the application under clause 2 and complies with the rules of the industrial court.
- (2) The affidavit is not available for inspection except as ordered by the industrial court.

4 Content of summons

- (1) A summons to a person under clause 2 must require the person to attend before the industrial court—
 - (a) at a specified reasonable place and at a specified reasonable time on a specified reasonable day, and
 - (b) to be examined on oath or affirmation about the relevant industrial organisation's affairs.
- (2) The summons may require the person to produce at the examination specified documents that—
 - (a) are in the person's possession, and
 - (b) relate to the relevant industrial organisation or the relevant industrial organisation's affairs.

5 Court may give directions about examination

- (1) The industrial court may give one or more of the following—
 - (a) a direction about the matters to be inquired into at an examination,
 - (b) a direction about the procedure to be followed at an examination,
 - (c) a direction about who may be present at an examination while the examination is being held in private,
 - (d) a direction that a person be excluded from an examination, even while the examination is being held in public,
 - (e) a direction about access to records of the examination,
 - (f) a direction prohibiting publication or communication of information about the examination, including questions asked, and answers given, at the examination,
 - (g) a direction that a document that relates to the examination and was created at the examination be destroyed.
- (2) The industrial court may give a direction under subclause (1)(e), (f) or (g) in relation to all or part of an examination even if the examination, or that part, was held in public.
- (3) A person must not contravene a direction under subclause (1).

6 Conduct of examination

- (1) An examination must be held in public except to the extent the industrial court considers that, because of special circumstances, it is desirable to hold the examination in private.
- (2) The industrial court may put, or allow to be put, to a person being examined the questions about the relevant industrial organisation or any of the relevant industrial organisation's affairs the industrial court thinks appropriate.

- (3) A person who is summoned under clause 2 to attend before the industrial court must not intentionally or recklessly—
 - (a) fail to attend as required by the summons, or
 - (b) fail to attend from day to day until the conclusion of the examination.
- (4) Subclause (3) does not apply to the extent the person has a reasonable excuse.
- (5) A person who attends before the industrial court for examination must not—
 - (a) without reasonable excuse, refuse or fail to take an oath or make an affirmation, or
 - (b) without reasonable excuse, refuse or fail to answer a question the industrial court directs the person to answer, or
 - (c) make a statement that is false or misleading in a material particular, or
 - (d) without reasonable excuse, refuse or fail to produce documents the summons requires the person to produce.
- (6) The industrial court may direct a person to produce, at an examination of the person or another person, documents that are in the first person's possession and relevant to matters to which the examination relates or will relate.
- (7) A person may comply with subclause (6) by causing the documents to be produced at the examination.
- (8) A person must not refuse, or intentionally or recklessly fail, to comply with a direction under subclause (6).
- (9) Subclause (8) does not apply to the extent the person has a reasonable excuse.
- (10) A person is not excused from answering a question put to the person at an examination on the ground the answer might tend to incriminate the person or make the person liable to a penalty.
- (11) An answer given by an individual to a question at an examination is not admissible in evidence against the person in a criminal proceeding or a proceeding for the imposition of a penalty, other than a proceeding under this clause or another proceeding in relation to giving a false answer under this clause, if—
 - (a) before answering the question put to the person, the person claims the answer might tend to incriminate the person or make the person liable to a penalty, and
 - (b) the answer might in fact tend to incriminate the person or make the person liable for a penalty.
- (12) The industrial court may order the questions put to a person and the answers given by the person at an examination be recorded in writing and may require the person to sign the written record.
- (13) Subject to subclause (11), a written record of an examination signed by a person, or a transcript of an examination of a person that is authenticated in accordance with the rules of the industrial court, may be used in evidence in legal proceedings against the person.
- (14) A written record made under subclause (12) must be open for inspection—
 - (a) without fee, by the administrator, and
 - (b) by another person on payment of the prescribed fee.

This amendment would give powers to the Industrial Court in relation to the CFMEU while it is subject to an administrative scheme under the bill. Specifically, it would give the Industrial Court the power to summons a person for examination about the CFMEU's affairs, if the administrator of the CFMEU appointed by the Minister applies for a summons and the Industrial Court is satisfied that the person has taken part in or been concerned with affairs of the CFMEU and has been or may have been guilty of misconduct in relation to the relevant industrial organisation, or that the person may be able to give information about the affairs of the CFMEU.

The powers proposed for the Industrial Court in this amendment, in relation to the CFMEU while under administration, are modelled on the powers contained in part 5.9 of the Corporations Act 2001, in relation to a corporation while it is under administration. In both cases, those powers provide the relevant court with an important role in backing up the efforts of the administrator to get access to the information needed to appropriately perform the function of restoring the corporation, or in this case the CFMEU, to its proper working order. Whether it is a failed corporation or the CFMEU in its current dysfunctional condition, it is unfair to leave the administrator to deal with recalcitrant officers.

Darren Greenfield, for example, could certainly be described as recalcitrant, having been obstinately uncooperative in his attitude to authority or discipline. The Government set up the Industrial Court to have jurisdiction over industrial matters when the powers of a court were required. I would expect the Government to welcome this proposal on a bipartisan basis to ensure that the administrator appointed by the Minister for Industrial

Relations to deal with officials of the union, including Mr Greenfield and his associates, has the backing of the Industrial Court, when needed, to overcome the resistance which has already been signalled in relation to the administrative scheme on the CFMEU.

That is a very straightforward provision to give the administrator the backing of the Industrial Court for the purposes of carrying out his or her functions of administration. How does the administrator deal with issues where people do not provide documents, do not answer questions or do not turn up for interviews in relation to the conduct of the affairs of the CFMEU? The administrator is left with nothing that they can do about it. The ability to apply to the Industrial Court for the relevant orders relating to the examination of that witness is fundamentally important to the activity of an administrator. It strikes me as unusual that someone would want to appoint an administrator and not ensure that they provided that administrator with the relevant support and backing to carry out its functions.

It is not as though that is blithely relied upon by an administrator. He or she would have to make an application to the court by way of summons, supported by affidavit and setting out all those facts and circumstances, which is relied upon to ensure that the person has not complied with the relevant requirements for the production of documents. I am sure the Treasurer will say that all of those powers exist, but it is the power of a court which is important. It is the power of having penalties attached to noncompliance with a court order which is fundamental to the powers which the administrator needs to have for carrying out its activities. It would be astonishing for the Labor Government to want to appoint that administrator and to then say that it wanted to water down his or her powers so they could not effectively carry out their duties. We think this is a very straightforward amendment, which was foreshadowed, and I am sure we can rely on the Government's support of it.

The Hon. DANIEL MOOKHEY (Treasurer) (17:27): The Government supports the bill as it is. Allow me to set out the reasons why. The first reason is that the bill grants the administrator powers proportionate to their function. That is in clause 9 of the bill, which equips the administrator with the power to require the production of documents and any other information or assistance the administrator reasonably requires to exercise its functions. I listened very closely to the shadow Treasurer's explanation of the amendment, and I appreciate the fact that he provided such a thorough explanation of the amendment and its origins. He makes the point that the powers he seeks to include in the bill are modelled on those currently in the Corporations Act federally. There is an important distinction to draw here between a union in administration, as proposed in the bill, and a corporation in administration. Firstly, when a corporation places itself in administration, it is transferring its control from its directors to its creditors—that is, its equity owners are handing over control to its creditors.

That is not the case when a union is in administration. A union in administration still belongs to its members, who are still entitled to all of their rights as members. An administrator is not administering a union on the basis of the debt that it owes. Rather, they are administering it in accordance with the Industrial Relations Act and the rules of the organisation to the extent to which they have not been varied. That is an important distinction. The purpose granted to an administrator of a corporation is to determine debt: who owes the corporation money, and who the corporation owes money to. That is why mandatory examination powers are available to the administrator of a corporation. It is an important power, but it is not a power that is required for the administrator of a union that is not being placed in administration as a result of debt.

Administration is not in place to supersede the rights of members; they still have those rights. Therefore, the administrator requires powers to exercise the functions that would otherwise be required to be exercised by the governing body of the union in accordance with its rules. That is the legal distinction. The shadow Treasurer is right to say that these are relatively ancient principles of trade union law. It has been a long time since they have had to be tested and applied, particularly in the New South Wales jurisdiction. The emergence of a national jurisdiction has required the development and solid understanding of a separate jurisprudence. I know that the shadow Treasurer is no stranger to industrial law and industrial relations, but the point remains that unions are not corporations. Administration of a union does not take it out of the control of its members and hand it over to creditors. It is designed to ensure compliance with the law and compliance with the rules of the governing body. Those two functions are well equipped by the bill as it currently stands. We do not need to pretend the power of administrators to ascertain debt has relevance to the questions in front of the Committee.

The Hon. DAMIEN TUDEHOPE (17:31): The distinction being drawn by the Treasurer between the powers relating to corporations and the powers applicable to the administration of a union is, quite frankly, nonsense. The idea that there are powers to uncover debt and that gives rise somehow to some necessity for the administrator of a union to have different powers depreciates the administration in this case. The Treasurer identified that this administration is to ensure that the relevant trade union is complying with its laws and requirements, and also to identify the circumstances where it may not have been acting in the best interest of members. To not ensure that the administrator is supported by a court with powers to impose penalties for failure to provide records, books or other information is to say to that administrator, "We appoint you, but if those people

you require information from for the purpose of carrying out your administration refuse to cooperate with you, then there is nothing that you can do about it."

The Hon. Daniel Mookhey: Have you read the bill?

The Hon. DAMIEN TUDEHOPE: I have read the bill, and there is no penalty which attaches. The Treasurer's trite diminution of the granting of court orders for the examination and production of documents by saying that the administrator of a corporation needs greater powers because it is collecting a debt, and that the administrator of a union needs less powers to pursue the facts and circumstances necessary to ensure the compliance of the union with its rules and obligations, reduces the importance placed on the administrator. It reduces the functionality of this bill.

The CHAIR (The Hon. Rod Roberts): The Hon. Damien Tudehope has moved Opposition amendment No. 3 on sheet c2024-132E. The question is that the amendment be agreed to.

The Committee divided.

Ayes14
Noes20
Majority.....6

AYES

Carter
Fang (teller)
Farlow
Franklin
Latham

MacDonald
Maclaren-Jones
Martin
Mitchell
Munro

Rath (teller)
Ruddick
Tudehope
Ward

NOES

Banasiak
Borsak
Boyd
Buckingham
Buttigieg
Cohn
Donnelly

Faehrmann
Higginson
Hurst
Jackson
Kaine
Lawrence
Mookhey

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

PAIRS

Farraway
Merton
Taylor

Houssos
D'Adam
Graham

Amendment negatived.

The Hon. DAMIEN TUDEHOPE (17:42): I move Opposition amendment No. 4 on sheet c2024-132E:

No. 4 **Administrator for organisations of employees**

Page 9, Schedule 1. Insert after line 38—

Schedule 9 Administrators for other employee organisations

1 Definitions

In this schedule—

administration order—see clause 2.

administration scheme—see clause 2 (a).

administrator means a person appointed by an administration order as the administrator of an industrial organisation of employees.

2 Minister must appoint administrator of industrial organisation of employees in certain circumstances

The Minister must, by order (*an administration order*)—

- (a) establish a scheme (*an administration scheme*) for the administration of an industrial organisation of employees if the Minister is satisfied—
 - (i) there is an ongoing investigation into alleged gross misconduct by officers of the organisation, or
 - (ii) an investigation has found evidence of gross misconduct by officers of the organisation, and
- (b) appoint an administrator to exercise functions in accordance with clause 4 for the administration of the industrial organisation of employees.

Note—clause 4 applies Schedule 6, clause 5, which provides for the functions of an administrator.

3 Administration of industrial organisation of employees

- (1) If the Minister makes an administration order under clause 2 in relation to an industrial organisation of employees, the organisation is placed under administration on the later of the following days—
 - (a) the day the administration order commences,
 - (b) the day an administrator is appointed.
- (2) The administration ends on the earlier of the following—
 - (a) the fifth anniversary of the day the administration started,
 - (b) the day the order is revoked by the Minister in accordance with Schedule 6, clause 6 (2) as applied by this schedule, clause 4.

4 Application of Schedule 6

If the Minister makes an administration order in relation to an industrial organisation of employees, Schedule 6, clauses 3 (2)–(6) and 4–17 apply to the administration of the industrial organisation under this schedule—

- (a) as if a reference to an administration order were a reference to the administration order under this schedule, and
- (b) as if a reference to an administrator were a reference to the administrator under this schedule, and
- (c) as if a reference to the CFMEU, C & G Division, the CFMEU (NSW) or the CFMEU were a reference to the industrial organisation and any branch, division or part of the industrial organisation, and
- (d) as if a reference to office holders of the CFMEU (NSW) were a reference to office holders of the industrial organisation, and
- (e) as if a reference to employees of the CFMEU, C & G Division and its branches were a reference to the industrial organisation and its branches, and
- (f) as if a reference to the rules of the CFMEU, C & G Division or the CFMEU (NSW) were a reference to the rules of the industrial organisation or any branch, division or part of the industrial organisation, and
- (g) with any other modifications necessary for the application of Schedule 6 to the administration of the industrial organisation, and
- (h) with any other modifications specified by the Minister by order published in the Gazette.

5 Disallowance of administration order

The *Interpretation Act 1987*, sections 40 and 41 apply to an administration order in the same way the sections apply to a statutory rule.

As I noted in my contribution to the second reading debate, in 2012 this House debated the Industrial Relations Amendment (Industrial Organisations) Bill 2012.

The CHAIR (The Hon. Rod Roberts): There is too much audible conversation. Members will come to order.

The Hon. DAMIEN TUDEHOPE: As introduced, it would have enabled the Minister to appoint an administrator for a State industrial organisation if there was an ongoing investigation into or evidence of gross misconduct by its officers, and proper administrative arrangements needed to be put in place. If that power was in place today, the Minister for Industrial Relations could have already appointed an administrator to get on with the job of cleaning out the CFMEU. Instead, the Minister has been unable to act while this bill was drafted and debated in the House. It was the Minister herself who, in 2012, as a member of this House, led Labor's opposition to the

"outrageous" and "dangerous" proposition that a Minister could ever directly appoint an administrator to sort out a dysfunctional union.

The amendment which is proposed here would create a general power for the Minister to make an administration order establishing an administrative scheme and to appoint an administrator for an industrial organisation of employees when the Minister is satisfied that there is an ongoing investigation into alleged gross misconduct by officers of the organisation or an investigation has found evidence of gross misconduct by officers of the organisation. To prevent any possible misuse of this power, the proposed amendment would make an administration order a disallowable instrument. The effect of this would be to require the Minister contemplating making such an order to have reasonable confidence that it would not be opposed by a majority of either House. Passing this amendment would ensure that any future issues with a seriously dysfunctional union could be more swiftly addressed.

The Hon. DANIEL MOOKHEY (Treasurer) (17:44): The Government supports the bill as it is. With respect to the question about placing a union into administration, this Parliament—and other parliaments, including the Federal Parliament—has, for good reason, set a very high threshold under the Act and has provided guidance as a form of law. Of course, there are circumstances and situations that arise—the Health Services Union in 2012, the CFMEU today—that present special and complex challenges. We are bearing witness today to the appropriate manner in which such challenges should be dealt with, which is to conduct a full debate in Parliament, to require people to address the issues and to propose solutions proportionate to the problems that are being faced. But equally, we must be careful to respect people's rights to associate, to assemble, and to collectively bargain, and protect and honour those rights by ensuring that there remains a very high threshold for administration. I was not in the Parliament in 2012, but I understand that the then Government took the approach that the right way to go about it was to bring it to the Parliament. Of course, the reasonable compromise that was reached was to time-limit those powers that existed under the Act. That is the same approach the Government brings to this question today.

Ms ABIGAIL BOYD (17:46): I speak on behalf of The Greens to oppose the amendment. We have returned full circle to where I began in my contribution to the second reading debate: The bill before the House is very, very dangerous. It has opened the door to the idea that governments of the day can interfere with democratic unions in this State, and this is one of the reasons that The Greens were so adamant that a sunset clause needed to be put on that Henry VIII provision. It is exactly the kind of thing that an incoming Liberal Government could seek to do with those extreme powers—to apply them when there is only an investigation into alleged gross misconduct, to override the rule of law, and to de-unionise our State.

I think that Labor doing what it has done today, and betraying its base, has opened the door to the idea that whenever the powerful people in this State—politicians and corporations, with the revolving door between them—decide that the unions are being a little bit pesky and maybe asking too much, they can get rid of them. It started with anti-protest laws that say people are allowed to protest only in certain places. Industrial relations laws already severely limit the type of industrial action that unions can take. This threat, this idea that, if there is even an allegation of impropriety, the Government can come in and put a union into administration—which is what the conservatives in this place want to do—is dangerous. We know that the Coalition does not like unions and would like to de-unionise our State. Today, the Labor Government has given the Coalition a little window of hope.

The CHAIR (The Hon. Rod Roberts): The Hon. Damien Tudehope has moved Opposition amendment No. 4 on sheet c2024-132E. The question is that the amendment be agreed to. Is leave granted to ring the bells for one minute?

Leave granted.

The Committee divided.

Ayes 13
Noes 19
Majority.....6

AYES

Carter
Fang (teller)
Farlow
Franklin
Latham

MacDonald
Maclaren-Jones
Martin
Munro

Rath (teller)
Ruddick
Tudehope
Ward

NOES

Banasiak
Borsak
Boyd
Buckingham
Buttigieg
Cohn
Donnelly

Fachrmann
Higginson
Hurst
Jackson
Kaine
Lawrence

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

PAIRS

Farraway
Merton
Mitchell
Taylor

D'Adam
Graham
Houssos
Sharpe

Amendment negatived.

The CHAIR (The Hon. Rod Roberts): For clarity, because Opposition amendments Nos 2 to 4 on sheet c2024-032E failed, amendment No. 1 lapses.

Opposition amendment No. 1 lapsed.

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

Motion agreed to.

The Hon. DANIEL MOOKHEY: I move:

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

Motion agreed to.**Adoption of Report**

The Hon. DANIEL MOOKHEY: I move:

That the report be adopted.

Motion agreed to.**Third Reading**

The Hon. DANIEL MOOKHEY: I move:

That this bill be now read a third time.

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

Leave granted.**The House divided.**

Ayes28
Noes4
Majority.....24

AYES

Banasiak
Borsak
Buckingham
Buttigieg
Carter
Donnelly
Fang
Farlow
Jackson

Latham
Lawrence
MacDonald
Maclaren-Jones
Martin
Mookhey
Moriarty
Munro
Murphy

Nanva (teller)
Primrose
Rath (teller)
Roberts
Ruddick
Sharpe
Suvaal
Tudehope
Ward

AYES

Kaine

NOES

Boyd
Cohn (teller)

Faehrmann (teller)

Higginson

Motion agreed to.*Announcements***SESSIONAL ORDERS**

The PRESIDENT (17:56): Members, the House has adopted sessional orders relating to updating the standing orders to require respectful behaviour in the Chamber, the giving of notices of motions under Standing Order 75 and, as of today, the dealing with disorder by members during committee proceedings. Those sessional orders arose from recommendations of the Procedure Committee, the reports of which are a significant body of work. I thank members for their contribution to them. In addition to enacting new sessional orders, two of the reports contained recommendations for the making of rulings or statements by me as President.

In regard to the inquiry into the standing orders to require respectful behaviour in the Chamber, particularly as they relate to sexism and racism, in addition to recommending a change to the relevant standing order, the committee recommended that Presidents' rulings dealing with offensive or discriminatory words in the Chamber place a greater emphasis on the context in which the words are used—including the tone, manner and intent of the member speaking—as well as the effect of the comments in the Chamber.

That recommendation was based on a practice in the House of Commons of Canada and was unanimously agreed to by the Procedure Committee. As members are aware, I have previously made strong statements as President to uphold respect in and out of the Chamber. I also note the requirement of the *Members' Code of Conduct* that members must treat each other, their staff and all those working in the Parliament with "dignity, courtesy and respect". It is incumbent on every one of us to meet the exemplary standards of behaviour that the community rightly expects of us.

In regard to the inquiry into the giving of notices of motions under Standing Order 75, the committee made five recommendations, involving three new sessional orders and two rulings or statements from me as President. I note that under the new sessional order, all notices must be in writing, signed by the member and handed to one of the Clerks at the table. They must also be submitted electronically to the Clerks. Notices will be listed in the *Notice Paper* in the order in which they are given in writing to the Clerks. In practice, the sessional orders mean that members no longer need to read their notices of motions to the House. Should they wish to do so, they may read up to three notices. Members may also give the remainder of their notices in summary format, or they may simply rely on their written notice. If they do give a summary to the House, it is acceptable that it be provided in a list format.

I turn now to the notification of formal business. Members may still use the formal business form, which I note has been updated by the Clerk, with the form to be handed in to the Clerks at the table by 4.00 p.m. In addition, I inform members that they may now indicate on their signed notice of motion that they wish for the item to be considered as formal business for the next sitting day. To enable that, the standard format for notices of motions also has been updated so that members can simply tick a box and provide their signature. For ease of introduction and to avoid confusion, the changes arising from the new sessional orders and the revised notice of motion template and formal business form are to commence in the next sitting week, from Tuesday 17 September. I have instructed the Clerk to email members material to assist them in implementing the changes.

The final piece of work adopted by the House earlier today relates to the procedures for dealing with disorder by members during committee proceedings. For the remainder of this Parliament, if the chair of a committee calls a member to order three times for disorderly conduct in the course of any one committee meeting, but not including a deliberative meeting, the committee must immediately meet in private. From there, any member of the committee, but not including the chair, may then move a motion that the member called to order be removed from the meeting for such a period as the committee may decide, but not beyond the termination of the meeting. If a committee resolves to remove a member under paragraph (2), the committee must table a special report in the House. Again, I thank all members for their thoughtful contributions to the Procedure Committee inquiries. I thank the Clerk and staff for their hard work on the reports and their implementation.

*Bills***RETAIL TRADING AMENDMENT (ANZAC DAY TRADING HOURS) BILL 2024****Second Reading Speech**

The Hon. MARK BUTTIGIEG (18:02): On behalf of the Hon. Daniel Mookhey: I move:

That this bill be now read a second time.

It is my privilege to introduce the Retail Trading Amendment (Anzac Day Trading Hours) Bill 2024. The bill will extend Anzac Day retail trading restrictions and require all non-exempt shops to remain closed for the entirety of the day. One of the central tenets of what it is to be an Australian is a recognition of our history, traditions and national story. Anzac Day is special; it is unique. For me personally, it is absolutely sacred. It is a day on which we as a nation come together to remember and pay tribute not only to those we lost at Gallipoli but also to those who have served and continue to serve in all military and peacekeeping operations to secure the freedoms and liberties we enjoy in Australia every day. Given the solemnity of the day, Anzac Day has long been legislated as a restricted trading day in New South Wales. It has allowed Australians to pause and reflect on what our service men and women have contributed to Australia, and it is a day that commemorates that service.

Since the commencement of the Retail Trading Act 2008, Anzac Day retail trading restrictions have ceased at 1.00 p.m., and all retail shops can open and continue to trade from that time. That led to a creeping commercialisation of Anzac Day, which impacts on the solemnity of Australia's most sacred of days. While the most notable Anzac Day tradition is the attendance at a dawn service in Martin Place or in our communities, some Anzac Day events occur in the afternoon and in the evening. The Ode states:

At the going down of the sun and in the morning
We will remember them.

That is a reminder to all Australians that Anzac Day is a day of remembrance. Members of this House hope it will be honoured for the whole day and not just part of it. The bill before the House reinstates Anzac Day as an all-day restricted trading day. Unless a shop is exempt under the Act, it will no longer be allowed to open at 1.00 p.m. The bill was subject to one amendment in the other place by the member for Wagga Wagga. That amendment provides clarification about the bill's operation for some local government areas outside of Sydney that have ongoing exemptions from retail trading restrictions on Easter and/or Christmas public holidays.

Due to the changing dates for Easter each year, once every few years Anzac Day is caught under that exemption. The amendment put forward by the member for Wagga Wagga will ensure that Anzac Day trading restrictions will operate as intended in regional areas and that regional communities are provided with the same opportunities as those in metropolitan Sydney to pay their respects. The bill demonstrates this Government's continued commitment to ensuring that the Anzac tradition is preserved and respected and will help to end the creeping commercialisation of Anzac Day.

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

Leave granted.

Firstly, the bill amends the definition of "restricted trading day" by removing "but only before 1.00 p.m." after "Anzac Day".

That will mean that Anzac Day will join Good Friday, Easter Sunday, Christmas Day and Boxing Day in having all-day retail trading restrictions. Secondly, the bill amends section 4 of the Act, which lists the days and times in which a shop is required to be closed on a restricted trading day.

The bill removes "before 1.00 p.m." before "Anzac Day", with the effect that shops will be required to remain closed for the whole day unless exempted by another provision of the Act.

Lastly, the bill will amend section 14E of the Act, which relates to the approval for banks to open on restricted trading days.

Under part 3A of the Act, a bank can apply to the secretary for approval to open on a bank close day, one of which is Anzac Day.

However, under section 14E, approval cannot be granted for a bank to open before 1.00 p.m. on Anzac Day.

As a result, the bill removes "before 1.00 p.m.", which means that banks cannot seek approval to open on Anzac Day at all. The Act will retain all its existing exemptions to ensure that the community is not left without its essentials on the day.

Our chemists, petrol stations, fruit and vegetable shops and takeaway food shops, among many others, can continue to trade as normal, as can small shops and licenced venues such as pubs and clubs.

Shops that demonstrate exceptional circumstances can continue to apply to the Secretary of the Department of Customer Service for an exemption so that they can operate on Anzac Day if it is in the public interest to do so.

One additional day of no retail trading on Anzac Day is unlikely to make a major impact for consumers as many essential services can and will continue to trade.

The Government also recognises that, while many Australians would seek to honour our veterans, the trading hours of their businesses or the businesses they work for inhibits their ability to show the level of respect on Anzac Day that they would otherwise show.

By limiting the types of businesses that can operate on Anzac Day and by requiring workers to consciously opt to work on this day, we are strengthening worker rights and their ability to contribute to the collective pause that is Anzac Day, a moment where the entire community can join in remembrance and gratitude.

The bill reaffirms this commitment to our veterans, to those who returned forever changed and to those who gave the ultimate sacrifice.

The bill before the House proposes amendments to the Retail Trading Act that have been the subject of extensive public consultation through a formal Have Your Say process.

Of the 299 submissions made by businesses, veterans' unions and the public, 276 submissions supported further restrictions to trading on Anzac Day. Having listened to the community's views, the Government is pleased to ensure that our laws are in step with community attitudes and expectations on Anzac Day trading.

I acknowledge the diversity of views raised in the consultation, especially by some retailers. I thank them for their considered engagement with the process.

I acknowledge the Australian Retailers Association and many others with whom I work closely for the contribution they make to our community. I thank them for their important feedback. I acknowledge that they may have various views. I also particularly thank the excellent retail workers across our State for their incredible work.

I have met a number of veterans who work in retail, who have explained to me the importance for them, their families and particularly their children to participate in the remembrance services as a family on Anzac Day.

That is critical. We must make sure that our veterans, including those who fought in the Gulf War, in Afghanistan and our peacekeeping troops, and their families are involved and participate in Anzac Day services. I take that seriously.

All members of Parliament attend Anzac Day services. For many colleagues, the day will start with the dawn service, and some of us can go to nine or 10 service events both on the day and in the week leading up to it. Over the years I have noticed an increase in the number of schoolchildren and teenagers involved.

From our babies to our seniors, and particularly the next generation, it is about understanding how important Anzac Day is. It is important to remember and recognise those who fought.

Some people have family members or neighbours who are veterans that have recently served.

Anzac Day is so special because it does not matter our background, our religion or where we come from. It is that one day when we all come together and are inspired by mateship and the importance of coming together.

All Australians should have time to reflect and to listen to the stories on an important national day.

As a parent, I have tried to instil in my children the importance of attending Anzac Day services and showing respect for our elders and for the contributions that have been made by those before them. Whether it was with their school or whether it was as a family, we would go every year, because it is important for children to understand.

We have all seen the increased engagement of young people and students—particularly our primary schools and high schools—with our local RSLs, our returned service men and women, and our war widows.

I love it when I see our young kids walking together with our veterans. I have also listened to engaged conversations between young kids who were born in 2010 or 2011 and veterans in their late seventies or eighties.

It is a beautiful thing to see. I am passionate about this. As a democracy, we have a duty and an obligation to respect those who fought for our freedom.

Thousands did not come back to our soil and are buried overseas. We must respect that. We must be vigilant every single day about our democracy and our freedoms, and I hope that everyone supports this important bill.

I also acknowledge the strong advocacy of the Shop, Distributive and Allied Employees' Association, particularly its secretary, Bernie Smith, who has been solid on this issue for a long time.

He has engaged extensively, and he has put forward important arguments about how special this important day is.

I acknowledge his work, his delegates and members. Before the election, in March 2023, the Premier and a number of colleagues attended and met with the 500 delegates, a number of whom were veterans who work in retail.

I acknowledge Bernie for introducing us to his delegates who are veterans, and I thank them for their service and for their contribution to Australia. I acknowledge the extensive work of Bernie Smith and his members.

Bernie understands and continues to say that Anzac Day is for remembering and not shopping. At present, retail workers are forced to choose between working and commemorating Anzac Day. That should not be the case, not for a national day. The bill rectifies that and will allow retail workers to pay their respects.

I thank our veterans and our veterans groups. I particularly thank our RSLs, which do an extraordinary job. I represent a number of RSLs in my electorate, as do other members.

We have important relationships with our RSLs and those who run them. I thank them for their volunteering on many things in our community. They are the central hubs of our communities.

In some places in our rural and remote communities, RSLs are the place to be and the place to go. They are the town square. I thank our veterans for their important work organising their RSL members within community.

I particularly thank those members and veterans who over the past few years have raised important issues such as mental health, housing and access to support. I want them to know how much our Government deeply cares about our veterans. We will continue to work with them every day.

I acknowledge the Minister for Veterans, Minister Harris, for his work in this important public policy area. I also acknowledge Mick Bainbridge, president of RSL NSW. I thank Mr Bainbridge for his support, his efforts and his strong advocacy in this important matter because his voice reaches across a broad range of communities and sectors. I thank him for what he does for veterans.

Overwhelmingly, our veterans and their organisations support this change. In particular, I acknowledge the Australian War Widows Inc., formally War Widows Guild of Australia Inc., and the Families of Veterans Guild for their advocacy for this change.

Many of us have neighbours who are war widows, and many of us have met war widows. It is tough for them. We pay respect to them and to their families for the contribution that they have made.

Our war widows have lost their life partners. Many of them have had to be single parents and shoulder the burden and the grief.

Where they have young children, it is particularly important to tell the story of their family and the contribution that their family has made to our Australian community. I would like the Australian War Widows to know how much all of us in this place—this is not politics—care about and love them.

It is my sincere hope that the passage of this bill proves to veterans that the Minns Labor Government cares deeply about their contribution to our nation and our State. I again take the opportunity to thank our public service staff, some of whom are in the gallery today.

They are wonderful professionals who do very important work. I also thank my amazing and exceptional staff, as well as the unions, veterans, our retail businesses, industry associations and the wider public, who we have consulted in drafting the bill.

I acknowledge, once again, our veterans and thank them for their contribution to Australia. I commend the bill to the House.

Second Reading Debate

The Hon. DAMIEN TUDEHOPE (18:05): I lead for the Opposition in debate on the Retail Trading Amendment (Anzac Day Trading Hours) Bill 2024. I state at the outset that the Opposition supports the amended bill. Anzac Day has been observed in New South Wales since 25 April 1916, when convoys of cars carried soldiers wounded at Gallipoli and their nurses through the streets of Sydney. Interestingly, the first anniversary of the Gallipoli landings was marked in the Australian camp in Egypt by a sports day. However, sporting events were not held on Anzac Day in New South Wales for 44 years, from 1916 until 1960, when late afternoon games were permitted.

In 1919 the Sydney parade was cancelled as a result of the Spanish influenza pandemic, but a commemorative service was held in The Domain, with all participants required to wear masks and stand three feet apart. Anzac Day was first marked as a public holiday in New South Wales in 1925 after an amendment passed in 1924 to the Banks and Bank Holidays Act 1912. Dawn services have been held in Sydney every year since 1928. By the 1930s the still-familiar rituals of Anzac Day observance had become established—dawn vigils, marches, memorial services, veterans' reunions and, of course, games of two-up.

In 2008 the then Labor Government introduced the Shop Trading Bill 2008 to further deregulate shop trading hours in New South Wales. It included provisions removing any trading restrictions after 1.00 p.m. on Anzac Day. That is the provision in the Retail Trading Act 2008 that the bill would amend. It simply removes from the Act three instances of restrictions applying before 1.00 p.m., with the result that the retail trading restrictions that currently apply until 1.00 p.m. on Anzac Day will now apply for the whole of the day.

That will make the trading restrictions on Anzac Day equivalent to those in force on other days that are sacred to our community—Good Friday, Easter Sunday and Christmas Day. On all those days the restrictions apply to shops, defined as premises "that are used wholly or predominantly for the retail sale of goods". The Act includes an extensive list of exemptions, including cake and pastry shops where people can purchase Anzac biscuits, chemist shops, florist shops, fruit and vegetable shops, newsagencies, nurseries, restaurants and cafes, seafood shops, takeaway food shops and petrol stations. The Act does not apply to hotels, small bars or clubs.

The Opposition supports the modest change in the bill, which reflects a continued tradition of 108 years of honouring those who gave their lives in the service of our country and supporting all our veterans and their families by marking Anzac Day with due respect.

Ms CATE FAEHRMANN (18:09): On behalf of The Greens, I contribute to debate on the Retail Trading Amendment (Anzac Day Trading Hours) Bill 2024, the effect of which is to ban retail trading on Anzac Day. This bill has come about from consultation that the Government undertook last year into trading on Anzac Day, although I am not sure of its ultimate genesis or why, in the first year of government, this was a priority. That is interesting in itself. The consultation paper into Anzac Day trading stated:

Over the course of history, the observance of Anzac Day has expanded to become a day of remembrance and commemoration of those who have served in various conflicts, not just the First World War. It is a day to honour and pay respect to the sacrifice of the men and women who have fought, served, and are currently serving in military and peacekeeping operations, including all those who gave their life in service.

The day is marked by a number of traditions, including dawn and sunset services, veteran marches, and wreath laying ceremonies. Each of these serve as an opportunity for the people of Australia to pay their respects and to reflect on the freedoms and liberties that are enjoyed today, due to the sacrifices made and the ongoing contribution of veterans to their communities and country.

Given the historical significance of the day, some Australian states have imposed Anzac Day trading restrictions. Restricted trading provides workers and businesses the opportunity to participate in commemorative and community events and pay their own respects. In this way it is intended to ensure that the significance of Anzac Day is not detracted from.

Currently in New South Wales retailers are not allowed to open before 1.00 p.m. on Anzac Day. It is one of five restricted trading days. Retailers are not allowed to open at any time on the other four restricted trading days—Good Friday, Easter Sunday, Christmas Day and Boxing Day—although I note that, for those days, trading is restricted for the whole day. It is easy to see why, because those days are often celebrated with family, and people often go away. I do not think Anzac Day is in the same category because the various commemorations, marches and wreath-layings happen before 1.00 p.m.

Certain retailers, however, are exempt from the ban, such as bookshops, takeaway food and drink shops, restaurants and nurseries. Hotels, small bars, pubs and clubs are also exempt. All States and Territories, with the exception of Western Australia, allow some retail trading on Anzac Day. Interestingly, Western Australia also closes its casino, so people cannot gamble on that day either because Western Australia does not have poker machines in its pubs and clubs. When the Premier announced the new Government policy, he stated that it was because of Anzac Day's status as Australia's most "solemn and significant" occasion. He said:

As of next year, NSW will extend our retail trading restrictions across Anzac Day, to make sure our veterans are recognised and free to take part in services throughout the day.

Again, I am not sure of many services that take place after 1.00 p.m. It is therefore deeply concerning that while the Government is prepared to close Coles and Woollies on Anzac Day "out of respect for veterans so that they can take part in services throughout the day", it has balked at closing gaming machine rooms too, despite the solemn and significant occasion that Anzac Day is. The Premier and, it seems, the Opposition leader are fine with veterans sitting in a dark room pouring their wages, or their veteran's pensions, down the pokies, but not with them picking up essential groceries from a supermarket.

Of course, it is not just veterans who will be unable to do that; it is everybody, on this solemn and sincere occasion. It is so solemn and sincere the Government will close retail outlets so people cannot go to Bunnings. What we do know is that on Anzac Day at 1.00 p.m., everybody goes to the pub. They go to the pubs, they go to the clubs and they play two-up. That is what they do. They do not do that on Christmas Day; they do not do it on Good Friday, nor do they do it on Boxing Day. But they do it on Anzac Day because that is the tradition on that solemn and sincere occasion, at 1.00 p.m. With the passing of this bill, more people will do it because they will not be able to go to Bunnings, Coles or Myer at 1.00 p.m., so what will they do? They will go to the pubs and clubs.

The Hon. Damien Tudehope: Maybe they will go home.

Ms CATE FAEHRMANN: Maybe they will go home, but the pubs and clubs will do a roaring trade and so will those poker machines. Again, where did the changes come from? What was their genesis? It is all very interesting, when you think about it. When speaking to the media about the changes the Premier acknowledged there would be "some disruption and a bit of inconvenience" for some members of the community, but that it was a "small price to pay" to recognise the significance of the day and honour those who had served. He said:

We believe there's been a creeping commercialisation of Anzac Day over a prolonged period of time to the detriment of the importance of the day.

The nation's national day is Anzac Day. It is an opportunity for our community to come together to recognise people that have given the ultimate sacrifice in the service of the country that we all live in, and, for the first time in a long time, acknowledge that is a special day that should be set aside for commemoration of that important event.

We do all of that, but we do it before 1.00 p.m. and then at 1.00 p.m., a lot of people go to the pubs and the clubs. I am struggling to think of what occurs in the afternoon. It is no wonder the clubs are backing this proposal in. It is no wonder that they are backing the closure of everything else that dares distract people from going into pubs and clubs in the afternoon. Anzac Day is a good day to go to the pub, play some two-up and have a beer with mates. I am not averse to that, but the opposition to closing poker machine rooms is very interesting. I will be moving an amendment to the bill in committee, as members are well aware, so I will go into more detail then.

Finally, I note that former president of RSL NSW James Brown, now chair of Invictus Australia and a Liberal Party member, backs the proposed amendment to close gaming machine rooms on Anzac Day that was moved in the other place by the member for Sydney, Alex Greenwich, and which I will be moving in this place. As to why he supports it, he said, "I've seen too many veterans turn up on the RSL's doorstep needing help after gambling addictions have ruined their lives." The refusal to acknowledge this by both sides of politics in this place while this Parliament is passing a law of such significance to veterans is a serious new low in the debate on the

issue of poker machines. It is also a new low that the Parliament cannot consider getting veterans and everybody else out of gaming rooms on such a solemn and sincere national day of significance.

The Hon. GREG DONNELLY (18:17): I contribute to debate on the Retail Trading Amendment (Anzac Day Trading Hours) Bill 2024. While it is a small bill in size, it is a significant piece of legislation that will benefit countless numbers of retail workers and their families across the State on a day that I think we all recognise is of national and cultural significance that must be preserved and protected. Currently serving and retired members of the Australian Defence Force who are retail workers—and there are a number of them—will particularly appreciate the new protections afforded to them regarding work on Anzac Day. It is a day in which we, as a nation, come together to remember and pay tribute to not only those we lost at Gallipoli but also those who have served and continue to serve in all military and peacekeeping operations around the world to secure the freedoms and liberties we enjoy every day in Australia.

Every member of this and the other place who each year on 25 April attend Anzac Day dawn services and other ceremonies and events over the course of the day—and it is over the full day—observe firsthand its significance for Australians that continues to be passed down from one generation to the next. Unquestionably, Anzac Day is a unique and important day for Australia and worthy of the honour it receives. Given the solemnity of the day, Anzac Day has long been legislated as a restricted trading day in New South Wales, allowing Australians to pause and reflect on what our service men and women have contributed to the nation. The day commemorates that service. Since the commencement of the Retail Trading Act 2008, Anzac Day retail trading restrictions cease at 1.00 p.m. and all retail shops can open and continue to trade from that time. That has led to a creeping commercialisation—a phrase that has been mentioned at least two or three times, but which I would like to repeat—that has clearly become more and more evident on Anzac Day. I would argue that it has devalued the significance of the day and negatively impacted on the ability of many to observe it with the reverence it deserves.

Anzac Day is a special day because our background, our religion or where we come from does not matter. It is the one day when we all come together and are inspired by mateship and the importance of being united as a country. That is as important now as it has ever been. All Australians should have time to reflect and to listen to the stories of the importance of Anzac Day. The bill before the House reinstates Anzac Day as an all-day restricted trading day. Unless a shop is exempt under the Act, it will no longer be allowed to open at or after 1.00 p.m. The bill reaffirms Anzac Day as one of Australia's most significant days and ensures that it remains a solemn day reserved for observance and reflection.

The details of the bill are straightforward, consisting of the removal of three references to the phrase "before 1.00 p.m." The removal of these references has the effect of prohibiting retail trade on Anzac Day subject to any exemptions prescribed by the Retail Trading Act. Firstly, the bill amends the definition of "restricted trading day" by removing "but only before 1.00 p.m." after "Anzac Day". That will mean that Anzac Day will join Good Friday, Easter Sunday, Christmas Day and Boxing Day in having all-day retail trading restrictions. As members, we have the fortunate honour of serving in Parliament, and so do not even question those as days that we are not required to work. We are able to take those days off and spend them in a suitable way, but for people in certain industries they may or may not be required to work particular hours on particular days. This legislation addresses that.

Secondly, the bill amends section 4 of the Act, which lists the days and times in which a shop is required to be closed on a restricted trading day. The bill removes "before 1.00 p.m." before "Anzac Day", with the effect that shops will be required to remain closed for the whole day unless exempted by another provision of the Act. Lastly, the bill will amend section 14K of the Act, which relates to the approval for banks to open on restricted trading days. Under part 3A of the Act, a bank can apply to the secretary for approval to open on a bank close day, one of which is Anzac Day. However, under section 14K, approval cannot be granted for a bank to open before 1.00 p.m. on Anzac Day. As a result, the bill removes "before 1.00 p.m.", which means that banks cannot seek approval to open on Anzac Day at all. The Act will retain all its existing exemptions to ensure that the community is not left without its essential services on the day. Workers in the banking and finance industry are another significant group that are beneficiaries of this important bill.

It has taken a good deal of work to bring this legislation before the Parliament. I acknowledge and thank the Shop, Distributive and Allied Employees' Association New South Wales branch and the SDA Newcastle and Northern branch for all their efforts. I acknowledge their presence in the public gallery today. New South Wales branch secretary Bernie Smith, New South Wales assistant branch secretary Felicity Smithson, now retired Newcastle and Northern branch secretary Barbara Nebart, and current Newcastle and Northern branch secretary David Bliss all worked patiently and methodically to bring about that outcome. Both branches engaged with their members and workplace delegates to identify the issue and then campaign over many months for this legislation, so it is no surprise that it has happened. It has been a program of systematic work over many months.

Retail workers, like most workers in other industries, are burdened by workplace pressures, especially job intensification. Workers want and need strong legal rights to enable them to not have to work on certain days and

at certain times. Awards, enterprise agreements and legislation are all important in enabling these rights to be secured and protected. At present, retail workers are forced to choose between working and commemorating Anzac Day. That should not be the case for such an important national day. The bill rectifies that and will allow retail workers to have the whole day off work, not just up to 1.00 p.m.

The bill would not have been achieved without the support and commitment of the Premier, the Hon. Chris Minns; the Minister for Industrial Relations, and Minister for Work Health and Safety, Sophie Cotsis; and the Minister for Veterans, David Harris. I thank them for their engagement and support, and express appreciation on behalf of retail workers and their families across New South Wales. In opposition, the Premier, Minister Cotsis and Minister Harris were open to engagement with the SDA over the proposal to close non-exempt shops after 1.00 p.m. on Anzac Day. They not only engaged with the SDA but also discussed and consulted with the RSL NSW on the proposal. I acknowledge and thank Mick Bainbridge, president of RSL NSW, for his efforts, support and advocacy. I also acknowledge and thank our veterans and their organisations for their encouragement and support.

In particular, I acknowledge the Australian War Widows—formerly the War Widows Guild of Australia—and the Families of Veterans Guild for their advocacy for this change. I also express appreciation to the secretary of Unions NSW, Mark Morey, for the support and guidance he provided to bring about the bill. Finally, I thank the member for Wagga Wagga, Dr Joe McGirr, for facilitating a minor but important amendment to the bill in the other place. I note that there was unanimous support for the bill in the Legislative Assembly, which was very pleasing, and I thank all members in the other place. As has already been mentioned, I understand that the Opposition will also support the bill in this House. I encourage all crossbench members to also support this worthy piece of legislation. I commend the bill to the House.

The Hon. STEPHEN LAWRENCE (18:27): I speak in support of the Retail Trading Amendment (Anzac Day Trading Hours) Bill 2024. The bill seeks to extend the restrictions on retail trading hours for non-exempt businesses to all day during Anzac Day. Anzac Day is not a celebration of war; it is an acknowledgement of the horror of war and the lives affected by and lost in war. The bill is important to many people in the community, and the changes it makes definitely have majority community support. I note that public consultation was undertaken last year with a total of 299 submissions received. I am told that all submissions acknowledged the significance of Anzac Day and community sentiment on the issue. The majority of submissions were from members of the public, war veterans and unions in favour of greater trading restrictions on Anzac Day, to allow the community to pay their respects and gather for commemorative services.

Anzac Day is one of five restricted trading public holidays, alongside Good Friday, Easter Monday, Christmas Day and Boxing Day but, as we have heard, Anzac Day is the only restricted trading holiday where non-exempt businesses are allowed to open after 1.00 p.m. It can be said that those restrictions on the other public holidays reflect majority opinion in the community, and I think this change also reflects majority opinion in the community. One additional day of no retail trading, on Anzac Day, is unlikely to make a major impact on consumers, since providers of essential services, and of things that can be characterised as akin to essential services, can continue to trade. It is probably not wise to try to compare the significance of public holidays, but Anzac Day has a significance in the community that transcends religion, for example. I think it transcends membership of any cultural group. It is a day that has significance for all Australians, and community sentiment is only growing.

The closure of retail businesses on other public holidays is an acknowledgment of a few things, one of which is the sheer number of retail workers. We cannot shut everything on public holidays—I think everybody would accept that. There has been some discussion about gaming and alcohol and the continued operation of pubs. I do not think they compare to retail in terms of the sheer number of people involved. Attending licensed premises is a very special and particular part of Anzac Day. I say that as somebody who has gone to licensed premises on Anzac Day on many occasions. I have gone to the RSL in Dubbo after Anzac Day services on many occasions.

We see veterans and others who want to be part of the spirit of Anzac Day gather in licensed premises. That happens in pubs, and it happens in pubs for particular reasons. Veterans have long gathered in licensed premises to reunite and regather after having had experiences together. To suggest that the continued operation of licensed premises is somehow inconsistent with closing retail businesses for the full day on Anzac Day—and I say this with the greatest of respect to Ms Cate Faehrmann—shows a lack of understanding of what Anzac Day is all about. I do not say that to be offensive, but that is the reality.

The Retail Trading Act 2008 currently provides exemptions from the restrictions for a small range of retail shops, cafes, licensed bars and hotels. That means that the local chemist, fruit shop or petrol station can continue to trade on Anzac Day, which ensures that our communities can continue to function. The Act also provides the opportunity for non-exempt businesses to seek an exemption from the restricted retail trading provisions via an application to the Secretary of the Department of Customer Service in certain circumstances. The bill seeks to

make reforms to ensure that communities across New South Wales can show their respect for the sacrifices made by the many men and women who have fought in wars, without the distraction of retail trading.

Anzac Day marks the anniversary of the landing at Anzac Cove during World War I. It is a solemn day of remembrance and commemoration as we pay our respects to those who have served or are currently serving in the armed forces. The bill seeks to preserve the important tradition that has built up in our community. It is not to celebrate war; it is to give an opportunity to reflect on the horror of war. That should be allowed to occur without the distraction of retail trading. I note the presence in the gallery of senior officials from the Shop, Distributive and Allied Employees' Association, who have fought so hard for this amendment to the legislation. I commend the bill to the House.

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

The Hon. ROBERT BORSAK (20:00): It is essential that we reflect on the true meaning of the Anzac sacrifice. The Anzacs fought valiantly for our right to freedom and free choice. They faced unimaginable hardships not just for themselves but for future generations to embrace the freedoms we often take for granted. Freedom is not just a word or a concept; it is a fundamental principle that gave the Anzacs purpose. They were fighting for a society where they believed individuals could one day live without the fear of oppression, make their own choices and live according to their own values. That is what kept them going. Now we face a troubling contradiction that even the Anzacs did not see coming. The likes of The Greens believe that their ideology should dominate the community and that their beliefs should be forced upon everyone else. That is not what the Anzacs fought for. They did not endure the horrors of war so that a minority left faction group could impose its selfish, ill beliefs on the majority. The essence of their sacrifice was to prevent such oppression, not enable it.

Diggers of the day may not have played poker machines in the dugouts and the trenches, facing imminent death, but they played two-up, and they did gamble. They gambled with their lives every single day, and they gambled to ease the pain they endured. For those who oppose this, a group that is anti-Anzac, to come into this House, stand up and pretend that they know best is not only disrespectful; it is despicable. I wish I could say I am surprised that the member for Murray has ignored her water-obsessed ways to join the ranks of the woke, but I am not surprised. She needs to get a life. It just goes to show how out of touch with the community those people really are. Allowing clubs to open but forcing them to shut down gaming activities directly contradicts the very principles of freedom and choice that the Anzacs stood for.

It is not about whether we agree or disagree with gaming. It is about respecting the right to choose. Gaming, by extension, is part of the important myth of the Anzac. The fact is, if the woke got their way, the clubs in this State simply could not afford to open. The beloved game of two-up, legal only on Anzac Day, would also be excluded and would cease to exist. Two-up would die off, support for Anzac Day would slow down and, of course, be sanitised, and eventually the memory we all worked to preserve would diminish. RSL clubs, sporting clubs, community clubs and even the Polish Club at Ashfield, established by old Polish World War II diggers and of which I am a director, would close—plain and simple. Wages would be lost, jobs would be threatened, and the same community that the woke pretend to fight for and represent would ultimately suffer. But if you are an elitist Green, the member for Murray, or the even more elite member for Sydney, who cares? Regional clubs would suffer large losses if they were expected to open on Anzac Day without gaming machines to supplement their overheads. Clubs simply would be closed on Anzac Day. The Anzacs did not fight for a society where choices are dictated by a select few.

Ms Sue Higginson: They fought for gambling machines?

The Hon. ROBERT BORSAK: I acknowledge that interjection, whingeing about gambling. They fought for a society where all choices are respected, where the community is free to decide how it wishes to commemorate this significant day. This Government bill to close large retail is a huge step in the right direction, and the Government should be applauded for bringing the bill to the House. At a time when we are in dire need of nation-building, community involvement in our traditions like Anzac Day at the local level must prevail. We must stand tall and honour those who served. Make the call, load the kip and make the flip on Anzac Day.

The Hon. MARK BUTTIGIEG (20:05): On behalf of the Hon. Daniel Mookhey: In reply: I thank the Hon. Damien Tudehope, Ms Cate Faehrmann, the Hon. Greg Donnelly, the Hon. Stephen Lawrence and the Hon. Robert Borsak for their contributions to debate on the Retail Trade Amendment (Anzac Day Trading Hours) Bill 2024. I indicate that the Government will not support the amendment foreshadowed by Ms Cate Faehrmann. We will address the issues that Ms Faehrmann raised in more detail in the Committee stage. Anzac Day is a day to remember the sacrifices of those who served and continue to serve in our armed forces. Restricting retail trading hours provides the community with more opportunities to commemorate this important day. It is a day when we

come together as a nation to pay our respects and remember the sacrifices made by the many people who have protected and continue to protect our great nation.

If it were not for the sacrifices of those brave men and women, our great nation may be very different today. I also thank those members of NSW Fair Trading who supported the development of the bill, including consultation with stakeholders. I thank Warren McAllister, Nicole Lewis, Jenna Dries and Kevin Cann for their work and commitment to ensuring that Anzac Day remains a day of reflection and appreciation for those who serve us so bravely. I also thank industry stakeholders and the local community who contributed to the public consultation. Their willingness to engage with the department and advocate for Anzac Day is greatly appreciated.

I also acknowledge the hard work and advocacy of the Shop, Distributive and Allied Employees' Association, which has led the charge for a less commercial and more respectful Anzac Day. To that end, I acknowledge the presence of the New South Wales State secretary, Bernie Smith, and the assistant State secretary, Felicity Smithson, in the public gallery tonight. I welcome them. I note that their union was also instrumental in the recent Crimes Legislation Amendment (Assaults on Retail Workers) Bill 2023. It is a good effort from a union that campaigns for its members and gets results through the Labor Party in this place. I also thank the Minister and her staff, who have done an excellent job, for bringing the bill to the Parliament. I commend the bill to the House.

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

Motion agreed to.

In Committee

The CHAIR (The Hon. Rod Roberts): There being no objection, the Committee will deal with the bill as a whole. There is only one amendment, which is from The Greens on sheet c2024-146. I invite Ms Cate Faehrmann to move the amendment.

Ms CATE FAEHRMANN (20:09): I move The Greens amendment No. 1 on sheet c2024-146:

No. 1 **Restrictions on certain gaming on Anzac Day**

Page 3, Schedule 1. Insert after line 5—

[2A] Section 6AA

Insert after section 6—

6AA Gaming venue taken to be shop for the purposes of restricted trading on Anzac Day

- (1) A gaming venue is taken to be a shop for the purposes of section 4(1)(c).
- (2) For subsection (1), sections 5, 6 and 22B (the *relevant provisions*) apply in relation to a gaming venue as if—
 - (a) a reference in the relevant provisions to a shop included a reference to a gaming venue, and
 - (b) a reference in the relevant provisions to a shop being kept closed at all times on Anzac Day were a reference to a gaming venue being kept closed from 3am on Anzac Day until the end of the day, and
 - (c) a reference in the relevant provisions to an occupier of a shop were a reference to the licensee of the gaming venue or the premises in which the gaming venue is located, and
 - (d) a reference in section 5 to a requirement to keep a shop closed on a restricted trading day in accordance with section 4 were a reference to a requirement to keep a gaming venue closed on Anzac Day in accordance with this section.
- (3) This section applies despite the *Gaming Machines Act 2001*, the *Liquor Act 2007* or another Act.
- (4) To avoid doubt, nothing in this section prevents the playing of two-up in a club or hotel at any time on Anzac Day.
- (5) In this section—

club has the same meaning as in the *Gaming Machines Act 2001*.

gaming machine has the same meaning as in the *Gaming Machines Act 2001*.

gaming venue means the following—

 - (a) any part of a casino, within the meaning of the *Casino Control Act 1992*, in which gaming is conducted or gaming machines are operated,
 - (b) any part of a hotel in which approved gaming machines are operated,

- (c) a gaming machine area, within the meaning of the *Gaming Machines Act 2001*, of a club.
- hotel* has the same meaning as in the *Gaming Machines Act 2001*.
- licensee*, in relation to a gaming venue, means the licensee of the gaming venue under the *Liquor Act 2007*.

This amendment reflects that moved by the member for Sydney, Mr Alex Greenwich, in the other place. The effect of this amendment is to treat poker machines in gaming rooms like the other retail businesses that the bill before us would require to close on Anzac Day. The amendment proposes to do the following. Firstly, it is to insert a new section 6AA into the bill providing that a gaming venue is taken to be a shop for the purposes of sections 4 (1) (c), 5, 6 and 22B. Secondly, new section 6AA (3) notes that this amendment does not conflict with the Gaming Machines Act, the Liquor Act or any other Act. Thirdly, I clarify that—despite the contribution of my colleague from the Shooters, Fishers and Farmers Party—the amendment does not prevent the playing of two-up in a club or hotel on Anzac Day.

The Hon. Robert Borsak: It does if you shut the place down.

Ms CATE FAEHRMANN: I acknowledge the interjection from the honourable member about how much those venues rely on poker machine revenue. I have been to a number of pubs on Anzac Day that are pokie free, and they are packed. They are doing really well—people are playing two-up but the pubs do not have poker machines. That whole argument is ridiculous. The Premier states that Anzac Day is a special day that should be set aside for commemoration of this important event. He is worried about what he has described as a creeping commercialisation of Anzac Day over a prolonged period of time to the detriment of the importance of the day.

Residents of New South Wales lost \$8.129 billion to poker machines in 2023. This is an increase of \$29 million from the previous year. It is the equivalent of \$1,000 for every adult and child in the State. At the end of 2023, New South Wales had 87,545 poker machines in pubs and clubs. That is 895 more machines than at the end of 2022, despite a commitment by the New South Wales Government to reduce the number of poker machines in the State. We now have a bill that has the potential to make the problem worse. On Anzac Day a high proportion of veterans attend our pubs and clubs. Research and evidence show that veterans experience a higher level of harm from gambling than other members of the community.

In 2021 the Victorian Responsible Gambling Foundation undertook what is believed to be the first comprehensive study of gambling problems in recently transitioned veterans in Australia. It used responses from over 3,500 transitioned Australian Defence Force members. The study found that 13.4 per cent of those transitioned veterans reported gambling problems. This included 4.6 per cent with clinically significant levels of problem gambling and 8.8 per cent with levels of gambling the study defines as "at risk". Out of the veterans that reported problem gambling, 43.9 per cent experienced suicidal ideation—that is almost half of the 3,500 transitioned Australian Defence Force members.

One in five of those veterans reported attempting or planning a suicide. Australian active military personnel and recently transitioned veterans also report higher rates of gambling in Australia than in other jurisdictions around the world. That is because we are addicted to gambling. New South Wales has higher rates of poker machines outside casinos than any other place other than Las Vegas. If this Government had genuine concerns about respecting veterans on Anzac Day, it would not baulk at the idea of shutting down gaming rooms. The Premier has called Anzac Day "Australia's most solemn and significant occasion", but he is baulking at the idea of this amendment, which would extend restrictions to gaming machines for just one day, when we do not want people to go to Bunnings, Coles or Myer.

The consultation paper this has stemmed from—and I acknowledge the contribution of the Hon. Greg Donnelly and the Shop Distributive and Allied Employees' Association—mentions what other States do and what their trading hours are. Queensland and Western Australia both shut down poker machines on Anzac Day. For the New South Wales Government and Opposition to not consider this amendment and strike it out so quickly is a real indication of the power and influence of the gambling industry on politics in this State.

The Premier said, "People gamble on Anzac Day. It's a tradition." For goodness sake, is New South Wales really at a point where poker machines are a tradition? That is what this amendment deals with. It has been very clear from the start that it is not dealing with two-up. That is the tradition. For this Parliament to be in a situation where the Premier is using the word "tradition" to justify opposing this sensible amendment is pretty shocking. A fortnight ago, in his valedictory speech, former Premier Perrottet called poker machines "machines of misery". He said:

It is now a matter of when, not if. I look forward to the day those machines of misery, in their factories of despair, are no longer feeding off some of the most vulnerable people in our State.

Despite former Premier Perrottet's comments—given the response to this very commonsense amendment in both Houses—unfortunately, I think it is going to be a hell of a long time until that happens. I commend the amendment to the Committee.

The Hon. MARK LATHAM (20:17): If you live long enough, you will hear everything. Tonight we have heard The Greens say they know how to respect our veterans more than the veterans themselves know how to respect Anzac Day and their contribution to this country. It is unbelievable. The Greens describe Anzac Day as a celebration of militarism. The Greens sneer at Anzac Day. The Greens go out of their way to disparage the whole event. They look down their noses at it. They are now saying to this Parliament that they have the right to decide whether a veteran who has put his life on the line for our country, fighting in Vietnam or the Middle East, can put a few dollars through a poker machine at an RSL club after having a few beers with his mates. That is the definition of sneering elitism.

The Greens would not go anywhere near those clubs. They stay home on Anzac Day. They do not attend the dawn services. They do not celebrate the greatness of our nation. They essentially do not like Australia or anything we stand for. They have got the hide to come into this place and decide how our veterans will respect themselves on Anzac Day. Does anyone know a Green who ever put their life on the line for Australia? Does anyone know a Green who ever signed up for the military? The Greens sneer at the whole idea of war. They sneer at the idea that people made that sacrifice for Australia. War is an ugly thing. Gallipoli was a terrible military disaster, but we celebrate Anzac Day for the idea that young men, mainly country boys, thought so much of Australia that they went to war to fight for it. For King and country, they put their lives on the line. In some respects, by today's standards, it was a sacrifice that did not need to be made. But they did make that sacrifice, and they built a legend that we celebrate on 25 April every year. Why would we deny the people who love this country and who made a sacrifice for it greater than we could ever imagine?

The CHAIR (The Hon. Rod Roberts): Order! The Hon. Mark Latham will resume his seat. During the contribution of Ms Cate Faehrmann, I watched the Hon. Mark Latham display restraint—which was unusual. He did not interject. Ms Cate Faehrmann needs to return that courtesy, whether she likes what the member says or not. He is entitled to speak. I call Ms Cate Faehrmann to order for the first time. The Hon. Mark Latham has the call.

The Hon. MARK LATHAM: You are quite right, Chair. I was restrained, because I was stunned to hear how The Greens, who essentially do not believe in national pride and patriotism, want to define how our veterans should celebrate Anzac Day. The Greens, who sneer at Anzac Day and do not believe in the greatness of our veterans, want to decide how our veterans celebrate their special day. They go in the march, have a few beers with their mates and then put a few dollars through the poker machines. Is that the worst thing that is happening in our society? Have we become a Parliament of so much social engineering and control of others that we want to say to veterans, "You don't have the free choice to celebrate Anzac Day in that fashion"? It is absurd. It is the ultimate in elitest sneering about a day that is so valuable. It is elitist arrogance to determine for people who put their lives on the line for our country how they should celebrate their Anzac Day.

It is hardly the end of civilisation that poker machines are available to play, if that is someone's choice. It is not the sort of thing that I engage in; I have other forms of gaming that I enjoy. But for those who enjoy the pokies and responsible gaming, it is not a bad thing for them to be able to play them on Anzac Day. But The Greens want to ban and abolish that. It is a restriction that seems so absurd. I think we should say to our veterans, "We honour you on Anzac Day, we respect your contribution to this country and your love of this country, and if you decide to put a few dollars through a poker machine on that day, that is fine." This is a free society. We are not governed by some Greens totalitarian arrangement, where playing the poker machines is outlawed on Anzac Day. That is what some of the veterans want to do; others do not. What is the problem? The Greens members do not visit those clubs, talk to veterans or even celebrate Anzac Day. They can go to a pub without poker machines; that is their choice. But why do The Greens want to deny veterans who put their lives on the line for our country the choice to go to an RSL club with their mates to celebrate Anzac Day in their chosen fashion? It really is the pits, is it not, to have that level of social engineering and control? I reject it in its entirety.

The Hon. MARK BUTTIGIEG (20:22): I thank Ms Cate Faehrmann for proposing The Greens amendment to the Retail Trading Amendment (Anzac Day Trading Hours) Bill 2024. It will surprise no-one that the Government will not support the amendment. Anzac Day is a day to remember the sacrifices of those who served and who currently serve in our armed forces. Restricting retail trading hours provides the community with more opportunities to commemorate this important day. I note the intention of the proposed amendment is to limit the operation of gaming venues on Anzac Day to mirror the retail trading restrictions. The regulation of the daily shutdown of gaming machines is, in fact, legislated under the Gaming Machines Act 2001. The Gaming Machines Act also provides for the Independent Liquor and Gaming Authority to alter those hours on public holidays. It is beyond the remit of the Retail Trading Act to regulate the hours of operation of gaming machines.

The amendment also seeks to alter the definition of "shop" under the Retail Trading Act to include clubs, pubs and casinos. By attempting to redefine parts of pubs and clubs as shops, the proposal is confusing and could result in some pubs and clubs choosing to shut down on Anzac Day. There was broad consultation on the bill from 29 September to 20 October 2023. Some 299 submissions were received, including from veterans and veterans' organisations. Proposing to close gaming rooms on Anzac Day was not an issue consulted on. The Government has a broad gambling reform agenda to address gambling harm. Since being elected in March 2023, the Minns Labor Government has established an independent panel of experts to advise us on gaming reform and oversee a cashless gaming trial in our State. The Independent Panel on Gaming Reform—which includes experts and harm minimisation groups, including Wesley—is due to deliver its road map for further gambling reform to the Government in November. Therefore, the Government does not support the proposed amendment.

The Hon. DAMIEN TUDEHOPE (20:25): The Opposition does not support the amendment. There is no group more committed to dealing with problem gambling than the Coalition. We have a very articulated response to the issue in cashless gaming. We went to an election with that response, at much peril to ourselves and in circumstances where those opposite lacked any courage to campaign on the issue. We maintain our commitment to a cashless gaming regime as part of a response to problem gambling. In relation to the amendment, the member has articulated—as did the member for Sydney in the other place—a position in which closing gaming rooms on one day has been identified as a solution to problem gambling. In her proposition on why the amendment should be supported, there was not one iota of evidence that showed it would be a solution or a partial solution, or that it is supported by any organisation that is saying, "These are important marks to put in the ground to deal with problem gambling."

The amendment has to be characterised as nothing more than a stunt to seek to attain a moral high ground in dealing with problem gambling. Only one side of politics has articulated a proper response to problem gambling in this place and it is the Coalition. If the member who has moved the amendment had any scruples whatsoever, she would call out the Government for its response to problem gambling. In terms of the Government's responsibility to move towards cashless gaming, as recently as today it has caved in to the casino industry to allow additional casino cash gaming. Only one side of politics is committed to cashless gaming.

The Opposition is committed to ensuring that the culture of Anzac Day is maintained. Every member of this place has indicated their support for the legislation. Everyone has acknowledged the importance of Anzac Day. Everyone has talked about the importance of people meeting each other in clubs and pubs as part of their involvement with veterans' campaigns. In fact, the member was quick to say that lots of Australians go to pubs and clubs in respect of their involvement and participation in Anzac Day and as part of the importance of that day for them. However, the amendment creates a stunt out of that participation. I say to Ms Cate Faehrmann that I have never seen a Greens member at an Anzac Day dawn service. I have been attending Anzac Day dawn services for the past 30 years.

I have never, ever seen a Greens member participate in and lay a wreath at an Anzac Day ceremony in the whole time I have been participating in them. Yet in this place The Greens members say, "We want to seize the day, because we want to articulate the moral high ground on gambling." In fact, this has nothing to do with a gambling solution. It is all about them trying to articulate their message that they are better than everyone else. But they have never offered any messages of support for the people who fought for this country. Where is The Greens' analysis of those organisations that support Anzac Day and the RSL movement generally? The RSLs, clubs and hotels are the organisations that do the grunt work in support of veterans' communities.

My local RSL club, and the sub-branch of the RSL that exists within that RSL club, and the contributions that are made by the club to the RSL sub-branch are all supported. Who is supporting all the events that the RSL puts on, year after year, whether it is traffic management, marches or commemoration services? The RSL club forks out the dollars. The contributions from those clubs to the veterans who participate in Anzac Day should never be devalued by a stunt that says to those veterans, "We want to send a message that opening the gaming rooms on those days is in some way enhancing your gambling problem." Ms Cate Faehrmann has not produced one iota of evidence to support that contention in her contribution on the amendment. To use this place to try to pass the amendment, in circumstances where no-one would ever identify The Greens with supporting the veterans movement, is the greatest insult to veterans we could ever see.

Ms Sue Higginson: Oh, give it up.

Ms Cate Faehrmann: Oh, please!

The Hon. DAMIEN TUDEHOPE: The members moving the amendment have never demonstrated—

The Hon. Wes Fang: Point of order: The interjections from members on the crossbench are becoming disorderly. They are now in stereo. I ask you to call those members to order, Ms Cate Faehrmann for the second time and Ms Sue Higginson for the first time.

The CHAIR (The Hon. Rod Roberts): I will not call them to order but I remind them that it is unparliamentary to interject. I will have no hesitation in calling Ms Cate Faehrmann to order for the second time and Ms Sue Higginson to order for the first time if they continue. A little bit of banter is okay. When it goes over the top, I will shut it down. The Hon. Damien Tudehope has the call.

The Hon. DAMIEN TUDEHOPE: I know that this is difficult and that the common perception of The Greens as a party is that they never support our veterans. That is okay, but just be consistent about it. Do not use veterans as a vehicle for a political outcome you want to see in this place. The amendment is using some of the most important people in the country and the contributions that they have made—

The Hon. Cameron Murphy: Point of order: There have been interjections, but part of the cause of that is the Hon. Damien Tudehope is not addressing his remarks through the Chair. He is addressing them to other members in the Chamber. I suggest that you call him to order and ask him to address his remarks through the Chair.

The CHAIR (The Hon. Rod Roberts): While I understand why the Hon. Damien Tudehope was addressing members directly, I ask him to direct his comments through the Chair.

The Hon. DAMIEN TUDEHOPE: The Greens amendment is not designed to serve veterans. The Greens say that they will solve problem gambling for the veterans community by establishing that gaming rooms are off limits for one day a year. That is The Greens' solution to problem gambling. They are saying that veterans and families that want to participate in the most important day on the Australian calendar—the celebration of Anzac Day—ought not be able to engage in a whole gamut of activities. The member talked about the number of people who use pubs and clubs on Anzac Day to participate in activities and identified that there is more activity on those days. Are we to begrudge pubs and clubs, which contribute in many ways to charities in the community, for raising revenue on those days? People have a meal in a club, play two-up and gamble on the poker machines. In those circumstances, should clubs shut their gaming machines down because The Greens think that people should not be able to access them on Anzac Day?

It is important that all families can get together and celebrate the importance of Anzac Day. If they elect to do that in a pub or a club, should we be saying that they cannot, just to satisfy The Greens' moral high ground? This is the party that never participates in or supports veterans by coming and laying a wreath at a dawn service. This is the party that wants to dictate to veterans that they cannot use a gaming room on that particular day. Tonight we have seen a party come into this place to hijack Anzac Day for its particular purposes, and then try to demonstrate to the community and get a media article written for its political campaign to the detriment and denigration of the clubs that do such great work in our community. Members should be saying to The Greens that they would never support that sort of stunt in this place.

The Hon. STEPHEN LAWRENCE (20:38): I make a short contribution to the debate. Members should resist the effort to turn the debate into a proxy war about gambling. It is not about that. There is a range of views on gambling and a range of views on whether pubs and clubs should have poker machines or not. That is not what the debate is about and members should not turn it into that, nor should they turn it into a politicisation of Anzac Day and raise questions about who loves their country, who supports veterans, who supports Anzac Day and whether particular members of particular political parties have ever been seen at an Anzac Day service. I think that is a gross politicisation of Anzac Day and it should not be done.

The Hon. WES FANG (20:39): I wish to make a brief contribution to this debate. The word probably most used tonight since we resumed after dinner is "veteran". I am wondering how many members of this House have served or are a veteran. I am not sure that any member of this place is a veteran. The Federal Government changed the definition of what a veteran is, and it turns out that I am now a veteran. It does not sit well with me because I do not feel I am a veteran in the same way that we consider what a veteran is. I find it very hard to speak for veterans even though, in a technical sense, I am a veteran. I am probably the closest person in this place to what people would consider to be a veteran, and I do not feel comfortable speaking for veterans, so I do not know how any other member is comfortable speaking about veterans in this debate.

This debate becoming a pseudo-debate about what veterans would do has probably done more damage to the cause of veterans than anything else. Members should stop using veterans to prosecute arguments that members want to prosecute. Veterans have enough troubles. Once they leave the Defence Force, we know about the increased suicide rates; we know about the mental health issues; we know about displacement from family; and we know about a lot of their issues. Members should stop using veterans as justification to prosecute an

argument members want to make, because it is not helpful for them, and members will forget about them the minute they leave the Chamber. If members really want to do something to protect veterans, they should volunteer and understand what they have gone through, offer help, and meet them.

There is a great place in Wagga Wagga called the Pro Patria Centre, where there is help for veterans to overcome many of the issues that they come back with from service, Wagga Wagga being the home of the soldier. It is very illuminating to gain an understanding from speaking to people who really struggled when they left the Defence Force. This debate is about what veterans would or would not have done, or what veterans may want to do, but most of them just want to have a normal life, a job and a family. I have spoken to some of them who could not even think about playing the pokies or two-up on Anzac Day. I suggest that members perhaps consider that as we continue with this debate tonight. The last thing I will say is in relation to comments about members of The Greens who may or may not have commemorated Anzac Day or worn a uniform. I remind members that the only other member of this place I can think of who was a veteran is Mr Justin Field. Mr Justin Field and I often did not get along when it came to ideological issues and political issues.

The Hon. John Graham: He was a very difficult member of the Chamber.

The Hon. WES FANG: I acknowledge that interjection. I think he created problems for pretty much all political parties—Government, Opposition, and the crossbench, as it turned out—but I absolutely respected him for the way he conducted himself. Towards the end of our time together, maybe we did not have a respect for each other, but we certainly had a rapport. Mr Justin Field was a member of The Greens and also served as an officer in the army, and that should not be forgotten. I point that out in the same way that I ask members to not forget about veterans after talking about them in the Chamber and walking out of here. One does not always know who members really are from seeing them in this Chamber. They have had lives before coming to this place. In fact, some of the best people to have been members of this Chamber have had lives outside of this place before they came to it. Mr Justin Field served. He was a member of The Greens and then an Independent, but he would have understood the points I make tonight. I ask members to consider all of those points as we continue this debate.

The Hon. CHRIS RATH (20:45): I have a lot of sympathy for The Greens amendment. About six months before the last State election I bumped into Victor Dominello at a concert. We had a chat about problem gambling, cashless gaming cards and other things. He said to me, "What would you think if we brought cashless gaming to the election?" At the time I said to him, "You're mad. You're crazy. No major political party is going to take on big gambling at the next election. No-one's going to take on the pubs and clubs." But former Premier Dominic Perrottet and Victor Dominello showed enormous courage to take our cashless gaming policy to the election to deal with problem gambling.

It is terribly sad that the Labor Party has gone slow on this issue in the 18 months or so it has been in government. I believe we have a huge problem in this country and agree with some of the sentiments expressed by other members about these machines of misery. However, this amendment—to extend the closure of poker machines to people for an extra half a day a year—is not the way to deal with it. Yes, we need to bring in a cashless gaming system. Yes, there are ways we can deal with problem gambling. However, I do not believe this amendment will fix anything. Of course it needs to be fixed because some of the statistics are awful. On a per capita basis New South Wales has the most poker machines of any jurisdiction in the world, with the exception of Nevada—and obviously Las Vegas is in Nevada. One has to think we have a terrible problem here in Australia, but specifically in New South Wales.

It is terrible that the Government has basically not done anything in its period in office so far to address these issues. To our credit, we brought a bold policy to the election—again, it took enormous courage from the former Premier—to deal with this exact issue. This is important legislation and we support the bill. We support our veterans. However, it is important we do not conflate the issue of problem gambling with the bill the Government has put forward today. Perhaps the member for Sydney, The Greens and even the Opposition could all work collectively to bring in a bill to deal with problem gambling, to bring in a cashless gaming—

The Hon. John Graham: Point of order: It has been a good debate but, Mr Chair, at this point I ask you to bring the honourable member back to the amendment.

The CHAIR (The Hon. Rod Roberts): I have great sympathy for what the Hon. Chris Rath has said in his contribution. I agree that problem gambling is an issue. However, the amendment before the Committee relates to restrictions on certain gaming on Anzac Day. I draw the member back to the amendment.

The Hon. CHRIS RATH: I do not think that the amendment, as being proposed by The Greens and as was proposed by the member for Sydney in the other place, will deal with the issue of problem gambling effectively. There are better mechanisms to do that, which we on this side proposed and brought to the election. That is why we will not support the amendment, although that is not to say that we would not consider future

reforms that deal with this issue. As I said, it is important that we do not conflate this very important bill and very important issue that we fully support with the issue of problem gambling, which we also think we need to address. I will leave my comments there except to say that we have enormous sympathy for the amendment, but we will not support it. We think that there are more effective mechanisms that the Government could propose to deal with problem gambling, but this is not one of them.

The Hon. SUSAN CARTER (20:50): I speak against the amendment. Like my colleague the Hon. Chris Rath, I sympathise with the intention of it. But principally I speak in support of the comments of my colleague the Hon. Wes Fang. I too have had the opportunity to go to Pro Patria in Wagga Wagga. It is, in a sense, the most extraordinary opportunity to see the living Anzac spirit in the great town of Wagga Wagga in the Riverina. It is a community response to first responders and to returned service personnel who are living in Wagga Wagga and the Riverina, in cooperation with the Carmelite sisters, whose convent it was. It is a community of volunteers and professionals that has wrapped itself around those veterans and it is doing tremendous good. It is helping them live healthy, happy lives, where—very importantly—they have agency and they have choice.

That is, I think, the biggest reason that I oppose this amendment. I respect the spirit and intention of it and it does great good by highlighting the problem that gambling causes in our society. However, as I understand it, the intention of the principal bill is to elevate and draw us back to that Anzac spirit and to that idea of celebrating the tremendous contribution that our veterans have made, and offering them respect. The greatest respect we offer to anybody in our society is agency and freedom to make their own decisions. If our veterans want to go and put some money in the pokies on Anzac Day, they should be able to. If they want to play two-up on Anzac Day, they should be able to. If they just want to gather quietly with their colleagues and remember fallen comrades, they should be able to. We should offer them respect in the tremendous way that the people of Pro Patria live that Anzac spirit on a daily basis in Wagga Wagga. For those reasons, I am opposed to this amendment.

Ms CATE FAEHRMANN (20:52): I thank all the members who contributed to the debate. I note from the outset how extraordinary the response from some members has been in terms of suggesting that the member for Sydney and I had bad intentions in moving this amendment. We did it genuinely. It is not just The Greens, firstly. Most of the crossbench in this place and the other place—Independents who won their seats from the Liberal Party at the last election—stood with me and Alex Greenwich and others the other day to speak to it. We do it because we have a lot of experience, and people are coming to us very concerned about the impact of gambling. I hear members' contributions on the importance of people meeting with each other and having more opportunities for people to commemorate the day. Some members said, "How dare we tell veterans what they should be doing on this day?" which is extraordinary, because this bill is dictating that Bunnings, Coles, Woolies, Myer and all the other retail outlets have to close. That is dictating what can and cannot be open.

The Greens were suggesting that if we really want to create a space that is more about people being together and more about veterans, their families and everybody who wants to commemorate being together, why do we not close the gaming rooms at the same time because that will facilitate that? To have outbursts from the Leader of the Opposition in this place and the Hon. Mark Latham is so disrespectful to the Wesley Mission, Reverend Stu Cameron and the former chair of the RSL James Brown, who was a member of the Liberal Party. Those people are so serious about getting genuine reform and have suggested that this amendment to the bill is a very good way to do that. If the Government's bill is to allow for more opportunities for commemoration and create a sincere and solemn day, then this amendment would do that.

I thank the members who turned down the heat a bit in the debate with their contributions, because there was a little bit of a ridiculous pile-on. From someone who has spent a hell of a lot of the past however many years working with anti-gambling advocates, I genuinely think this amendment would be a huge benefit on Anzac Day to people who have a serious gambling problem, and some of those people are veterans. To have that ridiculous outburst was completely disrespectful. I thank the members who tried to turn the heat down. I commend the amendment to the Committee.

The CHAIR (The Hon. Rod Roberts): Ms Cate Faehrmann has moved The Greens amendment No. 1 on sheet c2024-146. 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. MARK BUTTIGIEG: I move:

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

Motion agreed to.

Adoption of Report

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

That the report be adopted.

Motion agreed to.

Third Reading

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

That this bill be now read a third time.

Motion agreed to.

*Documents***TABLING OF PAPERS**

The Hon. JOHN GRAHAM: I table correspondence from the Hon. John Hatzistergos, AM, Chief Commissioner, Independent Commission Against Corruption, to me as the Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism, entitled *Re: Government Sector Finance Amendment (Integrity Agencies) Bill 2024*, dated 9 August 2024.

*Ministerial Statement***INDEPENDENT COMMISSION AGAINST CORRUPTION**

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (20:59): I wish to make a ministerial statement. I explain to members the context of tabling correspondence from the ICAC on the Government Sector Finance Amendment (Integrity Agencies) Bill 2024. It outlines the ICAC's views on the changes to the bill. It is broadly positive, but I do not want to speak for the ICAC. Members should make their own assessment, so I table the document before debate on the bill for the benefit of members.

*Bills***INDUSTRIAL RELATIONS AMENDMENT (ADMINISTRATOR) BILL 2024****Messages**

The PRESIDENT: I report receipt of a message from the Legislative Assembly agreeing to the Legislative Council's amendments to the bill.

*Documents***SYDNEY METRO CITY AND SOUTHWEST****Tabling of Correspondence**

The CLERK: According to the resolution of the House of Wednesday 7 August 2024, I table correspondence received this day from the Cabinet Office stating that documents should be ordered directly from the Office of Transport Safety Investigations.

*Bills***GOVERNMENT SECTOR FINANCE AMENDMENT (INTEGRITY AGENCIES) BILL 2024****Second Reading Debate**

Debate resumed from 8 August 2024.

The Hon. CHRIS RATH (21:02): I am proud to lead for the Opposition in debate on the Government Sector Finance Amendment (Integrity Agencies) Bill 2024. It is my first bill as new shadow Special Minister of State. I indicate that the Opposition supports the bill. It is a good bill because it completes the process begun by the former Coalition Government in its 2022-23 budget, back when Matt Kean was the Treasurer and Mark Speakman was the Attorney General with responsibility for the integrity agencies. The process was put in place in that budget to safeguard the independence of integrity agencies and to ensure that they had adequate funding.

In many ways, the bill legislates the process that was already set in place by us in the 2022-23 budget. It is good that it is coming into law, and was already in place in that budget, as well as the two subsequent budgets provided by the current Government. The process was conceived and first verbalised by the former Perrottet Government, which clearly signals the position from which we support the bill tonight. Schedule 1 [3] inserts a

new division, which requires, under new section 4.14B (1), the Treasurer to give written notice to the head of an integrity agency in the next annual appropriation Act. Subsection (2) states:

If the amount is different from the amount sought for the integrity agency in a budget proposal, the notice must include reasons for the variation.

This measure enhances transparency in decision-making and ensures accountability if the necessary funding that these important agencies need is not granted.

It means that integrity agencies such as the Audit Office, the Independent Commission Against Corruption, the Law Enforcement Conduct Commission, the NSW Electoral Commission and the Ombudsman's office would essentially write to the Treasurer and the Expenditure Review Committee [ERC] for consideration of their appropriation, and a determination would be made on whether that amount of funding should be given. If the Treasurer and the ERC were to disagree with the amount sought, then they would essentially have to write to the head of the relevant agency as well as to the relevant parliamentary committee, which I will come to shortly.

The Liberals and The Nationals know that integrity agencies play an indispensable role in the good governance of New South Wales. While I would not go as far as to say that integrity agencies are the fourth pillar of government, which the Minister hinted at in his second reading speech, I do stress that the bill, to a large extent, is the Coalition's idea. I do not think that in the future, school textbooks will teach children about the Legislature, the Executive, the judiciary and the integrity agencies, but I do think that they have an important oversight role over the Executive and that the Parliament also has an important oversight role over them.

I understand where the Minister was coming from. The agencies are not really the Executive, even though they are funded by the Executive; they are not really a part of Parliament because the Parliament has an oversight role over them through our committees; and they are not really judicial, even though they share some functions, especially the ICAC judicial ones. They may not be in any one of those three, and it is a bit too much of a stretch to say that they are the fourth pillar. I can see the Hon. Susan Carter nodding and shaking her head, depending on the various points that I am making. She might have more to say about the philosophical underpinnings of our legal system and other things, which she shall no doubt go into in her speech.

We know that the Executive requires independent oversight, and it is from that deeply held view of ours that the legislation arises before the House today. Subsections (3) to (6) of new section 4.14B provide further requirements for correspondence and notice to parliamentary oversight committees. The Opposition has and will continue to support parliamentary oversight of these key integrity agencies. The Legislature will be strengthened in scrutinising the decisions of the Executive through these notices.

The Opposition supports new section 4.14C, which requires, under subsection (1), that the Treasurer considers a variety of factors before deciding an application for contingency funding to an integrity agency. These include:

- (a) the independence of the integrity agency from the direction or control of the executive government,
- (b) whether the expenditure or reduction in revenue ... is urgent and unforeseen,
- (c) whether refusing the application would cause the integrity agency to be unable to fulfil a statutory function,
- (d) the availability of the funding from the contingency fund.

This section effectively replaces the broad scope of section 37 of the Appropriation Act 2024, which was omitted in schedule 2.1, with a more robust test. The consideration of these factors will ensure that integrity agencies have funds in unforeseen circumstances to carry out their important work while preventing unnecessary expenditure. That is an important point as well. I put emphasis on the words "urgent" and "unforeseen". It is fair and reasonable to suggest that if integrity agencies needed to draw on some of the money from the contingency fund in circumstances that are urgent and unforeseen, they be able to do so. Of course, we do not want a situation where there are multiple requests from agencies that go beyond their scope so that the fund is constantly raided in a way that the Minister or the Treasurer of the day would deem inappropriate. The bill strikes the right balance there.

Lastly, the Opposition welcomes schedule 2 to the bill, which provides additional functions for relevant parliamentary oversight committees to examine and report to the Houses of Parliament. It has been a great privilege to serve on the Joint Standing Committee on Electoral Matters, which is one of the committees directly affected by the bill. In the previous Parliament, I served on the Committee on the Independent Commission Against Corruption. Some members of this place also serve on the Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission, colloquially known as the Ombo-LECC.

The Opposition commends the intention of the bill. In fact, some might even think that we drafted it. It is a great example of a Coalition proposal to safeguard the interests of integrity agencies. There is a saying that imitation is the best form of flattery. As members would expect, I did some research in preparation to lead for the

Opposition in debate for the first time in my new role. My question is what happened to the fresh start that was promised at the last election? The Government has been constantly copying the work of the previous Coalition Government. In terms of the budget process, we had already enacted this bill. It legislates what already exists and has existed for three budgets.

In many ways, Government members are copying the work of the Coalition. It is not a bold policy agenda—and Labor brought a bold policy agenda to the last election. That was bold, if not entirely sensible. One of the proposals was that a parliamentary committee should determine the size of the appropriation for integrity agencies. The Coalition did not agree with that approach. We think that is a role for Executive Government. However, the Coalition believes that there is an oversight role for parliamentary committees, and there the bill gets the balance absolutely right. Whilst the Opposition supports the change, I note that it is a modest change and not a big promise. I thank the Government for copying our homework. That is why the Opposition supports the bill.

The Hon. MARK LATHAM (21:12): I speak in debate on the Government Sector Finance Amendment (Integrity Agencies) Bill 2024. Back in the days of Joe Stalin, they used to rewrite history in Soviet Russia. We have just heard an example of that from the Hon. Chris Rath. He was not in the last Parliament.

The Hon. Chris Rath: For one year, I was.

The Hon. MARK LATHAM: Nobody noticed, mate. That is the key thing in politics: People have to notice. It was a complete rewriting of history because, objectively, while I have not been closely involved in these issues, I give credit to the Hon. Robert Borsak, to David Shoebridge while he was here, to Adam Searle in his role, and to the Hon. John Graham. They were the ones who drove the idea of independent funding for the integrity agencies. There is no doubt about that. Don Harwin was in the news today for all the wrong reasons. He was missing in action on this.

The Hon. John Graham: You just want to talk about him.

The Hon. MARK LATHAM: I would love to talk about Don Harwin. Can we have an amendment about the Liberal Party local nominations and whether it is Harwin or Shields to blame? I am on Team Shields, 100 per cent. Surely it must be Harwin who stuffed up. I imagine Big Don coming over the top to say, "I know best after 30 years of experience. I'll sort it out."

The PRESIDENT: Order! I am not sure that the member's comments are within the scope of the long title of the bill.

The Hon. MARK LATHAM: These are integrity agencies, and the Liberal Party had an integrity problem just yesterday.

The Hon. John Graham: Wait until we see his amendment.

The Hon. MARK LATHAM: I have no amendment. I am just speaking to the historical fact. The Hon. Chris Rath is a newcomer. He needs to understand that if he is trying to stand on the shoulders of others, it is on the shoulders of Shoebridge, Searle, Borsak, Graham and Mookhey. They argued extensively for independence in the funding of the integrity agencies. I did not hear a peep from the Liberal Party, and it had 12 years to do this. It has taken until now. The Hon. Daniel Mookhey has introduced this charter of independence for integrity agencies. He has issued his Treasurer's Direction. The Hon. John Graham has brought forward the legislation, which is long overdue. The agencies should have greater independence.

The Liberal Party has a record of disparaging ICAC as much as it can. The outgoing Deputy Leader of the Liberal Party, Matt Kean, walked out of Parliament saying that ICAC is a disgrace because of what it did to the corrupt Gladys Berejiklian. Gladys Berejiklian knew all those Maguire scams and did not fulfil her legal obligation to disclose to ICAC what she knew. But Matt Kean walked out of Parliament bagging ICAC. He was not a fan of independent funding for ICAC. For members of the Liberal Party, ICAC is Frankenstein's monster. They created it but right across the State they lie awake at night thinking, "Oh, we should never have done that. It did in Greiner. It did in O'Farrell. It did in Gladys." Matt Kean told everyone what he thinks about ICAC. Where was the Hon. Chris Rath to correct the record to say that ICAC does a good job?

Of the five integrity agencies, ICAC overall does a good job, but there are areas for improvement. It is too slow in its findings. It can take forever. It is like watching a glacier slide down a hill. Once it starts an inquiry, it cannot stop. It should have bailed out of the inquiry into John Sidoti and said, "We can't find anything of any substance here." But instead Sidoti's political career was ruined and wrecked because ICAC took too long and, having started an investigation, found it impossible to bail out and admit that it could not find evidence of corrupt conduct.

Tim Crakanthorp is a similar victim of ICAC's inability to admit to a faulty inquiry. What is the greater betrayal? He was dedicated to his electorate. He was dedicated to that sporting precinct in Newcastle—a city neglected without the sporting facilities that Sydney takes for granted—but ICAC rubbed him out for not representing his electorate, as he promised to do at the last election, with no clear evidence that his involvement in that project would be of any material value to his family assets. If we accuse somebody of being corrupt and involved in dodgy arrangements, we have to prove it. It had to be proven, with clear evidence, that the member of Parliament knew that his involvement would improve the assets of his family, some of whom he is estranged from. What is the bigger betrayal in politics? Is it to put your shoulder to the wheel and fight tooth and nail for what is best for your electorate or is it the trivial arguments made by ICAC to rub out what I believe to be an honest man and a good local member of Parliament? ICAC is not without fault, but it deserves independent funding.

Of the other four agencies, the NSW Electoral Commission does a good job. We are lucky. The former General Secretary of the Labor Party, the Hon. Bob Nanva, looks a bit unhappy about that statement. The Electoral Commission, while slow in its investigations, runs fair and secure elections in New South Wales. Compared with a lot of other jurisdictions, we are lucky in that regard. The Auditor-General in New South Wales is outstanding. It produces quality reports time after time. I do not know enough about the Law Enforcement Conduct Commission. I leave that to my colleague the Hon. Rod Roberts, who does a great job in that capacity. I also do not know enough about the Ombudsman to say whether it does a good or a poor job.

Overall, those agencies deserve funding on an independent basis. But the Parliament needs to do more work on ICAC. One problem with ICAC is that everyone is scared of it. Everyone thinks, "Oh well, I will end up with phone taps or it will target me." That is nonsense. We have to be level headed and honest about ways in which ICAC can improve itself. During budget estimates I will take up the Crakanthorp inquiry with Commissioner Hatzistergos. I recommend that all members read the Crakanthorp report in detail because it goes to the heart of what we can do as members of Parliament to represent the people who put us here. Can we get stuck into a major project if our family has some very marginal distant assets and resources in the vicinity of that particular precinct? That is a major issue for how we, as members of Parliament, do our work. We should make some strong points to ICAC in that regard.

The second part of the bill that I have not mentioned yet is about one of my favourite subjects—the waste and mismanagement of resources in New South Wales Parliament House. Do any members enjoy working in a non-stop construction zone? I have been in Parliament for five years and I go home every night with the sound of jackhammers ringing in my eardrums. We work in a permanent construction zone. I always say to Mark Webb, "If only Scotty Cam from *The Block* could take you on as a contestant. You could fulfil your real destiny in life." Mark Webb is an amateur, hopeless, renovation sort of guy, and he has this building here as his guinea pig. The waste is amazing. For new members who were not here to see it, those bollards out the front on Macquarie Street took three or four years to go in. Twenty years after 9/11, former President Ajaka and his lackeys decided we needed those bollards out there as security. They dug up the drainage. I thought they were going back to Governor Macquarie's times to get underground and sort out the drainage and the reticulated services. Each bollard out there cost \$50,000. It is incomprehensible.

The Hon. Greg Donnelly: They don't rust.

The Hon. MARK LATHAM: I'm glad to hear that. They should be there longer than us, and I am sure they will be. We have spent \$22 million on the roof membrane and, after three attempts, it still leaks.

The Hon. John Graham: That lightbulb's out.

The Hon. MARK LATHAM: The lightbulb is nothing compared with the other problems in the building. That is mere trivia. Anyone who works here and thinks everything works is a fool. People walk around the building looking for what else fails. It is like belonging to a major political party and looking around the corner for all of the things that have gone wrong. So \$22 million was spent on the roof membrane. There were three attempts and it is still leaking. I have seen that in the Hon. Rod Roberts' office on the eleventh floor. Water flows down and stains the wall, and the staff there have to work under an umbrella. That is how good they are going with the roof. There was \$15 million extra for the Broderick review.

Then there are the staff numbers. The Hon. Cameron Murphy is normally here making speeches on everything, but he has missed this one. He should be speaking on this. He asked a very good question on the growth in staff numbers at the infamous Legislature estimates. I hope it is not a product of my presence and activities, but when I first arrived at this Parliament five years ago, in 2019, there were 185 staff working in the Department of Parliamentary Services. What is it today? It is 278. The department has grown by nearly 100 staff in five years. Does anyone think the Parliament is working better because it has an extra 100 staff? We are a one-building solution to unemployment in New South Wales, because we keep employing extra people. Because

of the Broderick review, the human resources staff has grown from 16 to 27. There is getting to be many more staff than MPs in the place, and no-one thinks the building is actually working better. On the whole Broderick agenda, I am told there is now a proposal by Premier Chris Minns, who must be a rolled-gold wowser, to ban alcohol in the parliamentary precinct.

The Hon. Chris Rath: But not in a park.

The Hon. MARK LATHAM: I think they are trying to have alcohol in the parks and out the back in The Domain but not here in the parliamentary precinct. If there are alcoholics in a political party, that is the party's business, but there is no way in the world, under parliamentary privilege, that people can be stopped from having a social drink in their office. A lot of that stuff is out of control. We need a better way of regulating and moderating expenditure on the Parliament. It is the fashion here that while there is a cost-of-living crisis and a call for restraint, and while Labor is sending the public servants away from their coffee shops and tennis lessons to go back to the office, the Parliament is spending more money with more staff than ever before in a permanent construction zone with renovations that just do not work.

I have yet to mention the worst of the scandals and mismanagement: the frosted door in the cafe. They cut a hole in the wall for a door that could be frosted so that MPs could not be seen having a drink in the bar at night. Then the great Matthew Mason-Cox—your predecessor, Mr President—came in and said, "We don't need that," and the frosted door stayed on the docks in San Francisco. It was a complete waste of money. It is like *Fawlty Towers*. Poor old Manuel would be a shining light of efficiency and effectiveness in this building. A lot of those things are ridiculous. We do need some parliamentary oversight of that enormous waste of public money. I am sure that Mark Webb is having nightmares at night that it might go to the Public Accountability and Works Committee, of which I am a member. I hope it does. But the idea that the Treasurer writes to the Parliament, the Parliament has an oversight committee and we have some say about those matters is long overdue.

I support the bill. Notwithstanding the rewriting of history by the Young Liberals—the yimby division and so forth—we should support the bill. We should support integrity agencies having independent funding while also being more outspoken about how the ICAC, in particular, can be improved, and we should do a lot more through our parliamentary oversight to ensure the building is better run with more efficiency, better cost-effectiveness and better value for the scarce taxpayer dollar.

Ms SUE HIGGINSON (21:24): On behalf of The Greens, I indicate that we also support the Government Sector Finance Amendment (Integrity Agencies) Bill 2024. Currently, integrity agencies in New South Wales are trying to do their jobs—in some cases, with one hand tied behind their back. I will speak specifically about the Law Enforcement Conduct Commission [LECC]. The bill is clearly a welcome step in the right direction. It provides a level of reporting, agency engagement and dialogue, and public oversight that has not previously been available. It will make it easier to ensure that integrity agencies are adequately and appropriately funded to do their job.

I note that the bill, and the accompanying Direction from the Treasurer, broadly reflect the recommendations of the inquiry into the budget process for independent oversight bodies, chaired by my incredible predecessor in this place, now Senator David Shoebridge—who I am sure everybody misses in this place—in 2020. The inquiry's report into its findings noted the following:

This inquiry has shone light, perhaps for the first time, on the apparent significant underfunding of the key integrity institutions of this State. The funding of these agencies deserves greater regard. The people of New South Wales have the right to know if these agencies are not being funded to the appropriate level. Accordingly, the committee urges the executive government to work with the Parliament in reforming the funding arrangements of these agencies, as has been done in many other jurisdictions, in the interests of good government in this State.

However, the measures nonetheless fall short of Labor's election promise. They also fall short of the kind of ongoing and independent funding that these agencies require to do the full scope of their work as effectively as they should. Their vital work must be protected against the political interests that they necessarily threaten. The decision to leave the funding of integrity agencies in the hands of the government of the day is only ever as good as the government of the day. That varies, which is precisely why consistent, effective oversight is vital.

As I noted earlier today in my contribution to the matter of public importance about police accountability and integrity, the NSW Police Force has an accountability problem. The New South Wales police declined to investigate 90 per cent of allegations brought by or on behalf of First Nations people, including 80 per cent of allegations of excessive use of force. Police investigating police simply does not work. But we have the Law Enforcement Conduct Commission, and it does extraordinary work where it has the resources to do so. Yet LECC- led investigations are vanishingly uncommon.

In 2022-2023 the LECC conducted just 56 investigations out of some 4,700 complaints. In fact, last year the New South Wales police spent more public money settling and losing cases of misconduct in court than the

LECC's entire operating budget. It is clear that the LECC and similar integrity agencies do not currently have resources commensurate to their responsibilities and their calls for help. As such, The Greens support measures that allow them to engage with government on their funding needs. But we do so in the clear understanding that there is so much more to do to ensure these oversight bodies can continue their vital work with confidence, independence and rigour into the future. Clearly, they need the resources to be able to do so.

The Hon. SUSAN CARTER (21:27): I speak in support of the Government Sector Finance Amendment (Integrity Agencies) Bill 2024, itself one tine of the trident of reforms to the funding of our integrity agencies. These reforms began in practice—although I acknowledge that they are now being codified both in legislation and by direction—under the former Coalition Government in response to concerns raised by the following integrity agencies: the Audit Office, the Independent Commission Against Corruption, the Law Enforcement Conduct Commission, the NSW Electoral Commission and the Ombudsman's Office. As we have heard, these agencies raised concerns about the security and the predictability of their budgets.

This bill, which works together with the Treasurer's Direction of 6 August, legislates for post-budget transparency and provides for stronger parliamentary oversight of the funding of our integrity agencies. As a formalisation of the process commenced by us, and well explained by earlier speakers in this debate, I am happy to support the bill. I wish only to focus on one aspect of the second reading speech, as my colleague the Hon. Chris Rath foreshadowed, where the Minister suggested this:

One of the ways they were described in the discussions we had was that the integrity agencies should form a fourth pillar of democratic accountability alongside the Parliament, the Executive and the judiciary. That description recognises the distinct role they play, different to each of those other three pillars but also important.

I acknowledge that the New South Wales constitution is a flexible document that is able to be amended by this Parliament even if those amendments include matters not normally seen in documents that regulate the relationship between the governed and those who govern—for example, whether some water corporations, but not others, may be sold.

The constitutional understandings on which the document is based are not ossified; they are capable of growth, change and development. As is common in free societies, this change is often organic and authorised tacitly, if not explicitly, by the consent of the voting members of our society. We have long understood that the exercise of power in our society rests on the separation of that power into three limbs: this Legislature, the Executive, of which some members of this place are also a part, and the judiciary. I reject entirely the suggestion that this bill somehow changes this understanding and introduces a fourth limb or pillar of integrity agencies. They do not exercise a separate source of power.

The integrity agencies, including the Audit Office and ICAC, are part of the Executive, not separate from it. They are subject to the review of this Parliament through committees especially established for this purpose and through legislative reform. They are created by this Parliament and, although it is politically highly unlikely, they could be dissolved by this Parliament. As this legislation indicates, they depend on this Parliament for the necessary funds so that they can operate appropriately. These integrity agencies were established as part of our understanding of the need for openness and accountability in government, and this legislation represents a bipartisan commitment to ongoing and adequate resourcing. It does not represent the establishment of a fourth pillar of government.

The law of cosines—the generalisation of Pythagorean theorem—shows us that a triangle is the strongest shape, because three points can only form one triangle and cannot be deformed into another shape by outside pressure. Compare this to a structure based on four points or pillars, which can begin as an apparently sturdy square but then be forced by outside forces into a rectangle, rhombus or even an irregular shape. A triangle can be torn apart, as can any parliamentary system, but it cannot be twisted into something unintended. The same holds true for our constitutional understanding, which is based firmly on the tripartite separation of powers. Montesquieu's *The Spirit of Laws* is based largely on his observations of the operation of the English constitutional monarchy after the Glorious Revolution. In it he says:

But constant experience shows us that every man invested with power is apt to abuse it, and to carry his authority as far as it will go.

...

To prevent this abuse, it is necessary from the very nature of things that power should be a check to power.

...

When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty.

We may all be familiar with the Latin phrase "Quis custodiet ipsos custodes", meaning "Who watches the watchmen?" In the case of the three pillars on which our government rests, the Legislature, Executive and judiciary

all watch each other. There is no fourth pillar awkwardly standing outside the constitution looking in and telling everybody off.

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (21:33): In reply: I thank members for their contribution to the debate. In particular, I thank members for the bipartisan support of the Government Sector Finance Amendment (Integrity Agencies) Bill 2024. The long passage of this discussion through this Parliament reflects the significance of the issues we have dealt with tonight. Firstly, I thank the Hon. Chris Rath. I welcome his support of the bill on behalf of the Opposition. I welcome him to the passage of his first bill. From a Government point of view, it is a very strong start. He articulated well why the Opposition is supporting the bill. In its view, this bill is heavily aligned with work that started under the former Coalition Government. The Hon. Mark Latham was right and generous to credit ownership of that work to the Chamber. I agree. In particular, the Hon. Robert Borsak, the Hon. Adam Searle and David Shoebridge—now gone to a higher place—

Ms Sue Higginson: Hear, hear! I am the new and improved version.

The Hon. JOHN GRAHAM: I will not comment on that. Those members should claim ownership. It was collective work. I absolutely agree with that. This work was conceived collectively in this Chamber and in the work of its committees. It is true that this work commenced under the former Government—I expressed that view in my second reading speech—but it is work that we complete tonight. There will be more to do, but it is work that we complete and codify tonight. In particular, we have added a parliamentary aspect, which is very important to the longstanding nature of the change. One of the reasons I was very grateful to hear that Opposition members regard this as their work, and I am very happy to credit them, is that I think this should be a long-lasting change. It should be supported by both sides of politics. We have started that process well with this debate tonight. We all have a right to claim ownership of this work.

I thank the Hon. Mark Latham for his contribution to the debate. It was sparkling, as always. It was a tour of the parliamentary precinct in all its glory. His contribution was about the collective nature of the work and his specific observations were really important. I thank him for his observations about the need for independence for these agencies and the specific observations about some of their work, including the ICAC and the Legislature. He outlined some detailed views. Members should have detailed views about the work of the Parliament, what it takes to do that work and the resourcing. This bill will start a process to allow that to happen in more detail.

I welcome the contribution from Ms Sue Higginson. I thank her, in particular, for calling out David Shoebridge and his work. I am very glad that she is continuing in that tradition here. She stated the case for committee work, which has underpinned this, very well. I greatly enjoyed the Hon. Susan Carter's contribution. I respect her contribution and think the debate is much stronger for it, even though she violently disagreed with my passing characterisation of some of the discussions surrounding the bill. Her comments did raise some interesting questions. I respect her constitutional conservatism. It does raise some questions around the fact that these are distinctive agencies that operate distinctively. They are not the same—while accepting the case she made for the existing system—as the Legislature, the courts or the Executive.

They are creations of Parliament. I agree with that. They have a relationship with Parliament, just as the courts have a relationship with Parliament. It is not an issue that we need to settle tonight. But this debate and agenda is a real recognition that these agencies do have a distinct nature. I am glad the bill has received bipartisan support. The lack of contention should not be seen as an indication that this is a minor change; this is significant legislation. Combined with those three changes, an increased budget for those integrity agencies over the past three budgets, the Treasurer's Direction and this bill, it is a significant reform. This is a move to the independent funding of integrity agencies. It does build on all that work: the Parliamentary committee reports, the Auditor-General's reports and the ICAC reports in these areas. Many of the recommendations from that body of work are now implemented in this reform package.

Some of this issue was addressed very early on simply by providing more funding to these agencies. For an agency like the ICAC, people are rightly concerned about the possibility of politicisation, or the Executive implementing budget restrictions. The agencies, the Parliament and the public were concerned, with reason. In 2017, the ICAC was forced to cut the number of investigation units from four to three and reduce the number of full-time investigators after cuts of more than \$800,000. This is a live example of why this reform is necessary, and it has informed this bill. That situation changes with this package of reforms.

The legislation complements the Treasurer's Direction *TD24-12 Charter of Independence for NSW integrity agencies*. It fulfils a request from the Chief Commissioner of the ICAC that the Government formalise the budget management model using a Treasurer's Direction. The direction provides access for these agencies direct to the Expenditure Review Committee itself during the preparation of each year's budget.

Previously, the agencies would make their budget bids, and they described feeling that those bids would disappear into a budget black box. The agencies would find out on budget day if they were a winner or a loser. They would find out in the paper, like everyone else. It might be characterised this way: Beer and cigs up, Auditor-General down. That has changed now with the Treasurer's Direction in force.

The Government's view is it is not appropriate that integrity agencies are under the direction of the Department of Premier and the Cabinet Office, or part of a Premier and Cabinet cluster. It is not appropriate that they are subject to efficiency dividends. It is appropriate they are afforded more protections for their independence. It is appropriate that they are quarantined from central agency financial management requirements that formerly applied. The dialogue that this bill creates between the agencies and Parliament will be very important. It creates a gentle dialogue between the agencies and the Executive, then between the Executive and the Parliament and, finally, between the Parliament and the integrity agencies. That will extend through most of the year in a gentle dialogue that provides much greater oversight.

The bill stands alongside the other measures that the Government has taken as part of its integrity reform agenda. That includes the commitment of an additional \$228 million in new expenditure over 10 years, the former amendments to the ICAC Act to make it a legislative requirement for the Government to respond to recommendations of ICAC directed to the Government, the implementation of recommendations made by the ICAC in relation to Operation Witney and Operation Keppel, the ban on political parties accepting donations from clubs which have gaming machines, and a significant tightening of grant regulations. All those things have occurred, but the step we take tonight is a significant one.

To conclude, I remind members that the Government initially undertook consultation on a draft of the bill that contained provisions relating to the funding of the Legislature. The bill was introduced without those committee provisions, following consultation with the presiding officers and the Clerks of both Houses. In the view of the Government, the next steps are for the Legislature to investigate a preferred model for reporting on its appropriation. Obviously, this is a matter for the Parliament. I look forward to that being progressed by the presiding officers, and to contributing to the discussion as it unfolds.

I foreshadow that the Government intends to move an amendment in Committee relating to funding for the Legislature, and the description of a parliamentary committee following that. One of the effects of that amendment will be to ensure that the same information is transmitted by the Treasurer to the Parliament, so that the Parliament can then establish those committees and they can do their good work oversighting the budget. Finally, I thank Mary Klein and Russell Schmidt for their work on this bill. This has been a complex piece of drafting and policy work, as each of those committee reports have found. I thank them for their work on the bill. With those comments, I commend the bill to the House.

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

Motion agreed to.

In Committee

The CHAIR (The Hon. Rod Roberts): There being no objection, the Committee will deal with the bill as a whole. The only amendments are Government amendments Nos 1 to 3 on sheet c2024-131E. I invite the Minister to move the 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) (21:46): By leave: I move Government amendments Nos 1 and 3 on sheet c2024-131E in globo:

No. 1 Joint Standing Committee on Electoral Matters

Page 3, Schedule 1[3], proposed section 4.14A, line 27. Insert "or a committee of Parliament designated by the Parliament for this division" after "Matters".

No. 3 Joint Standing Committee on Electoral Matters

Page 5, Schedule 2.2, proposed section 276A, lines 8–14. Omit all words on the lines. Insert instead—

267A Additional functions of relevant parliamentary oversight committee

The functions of the relevant parliamentary oversight committee for the Electoral Commission, within the meaning of the *Government Sector Finance Act 2018*, Part 4, Division 4.2A, include examining and reporting to both Houses of Parliament about the annual appropriation for the services of the Electoral Commission.

As noted in the second reading speech, the Joint Standing Committee on Electoral Matters is established by resolution of the House rather than by an Act of Parliament like the other parliamentary oversight committees for the integrity agencies. The bill specifies the Joint Standing Committee on Electoral Matters as the relevant

parliamentary oversight committee for the NSW Electoral Commission in the Government Sector Finance Act 2018 and proposes to insert a new section in the Electoral Act providing that committee with the functions of examining and reporting to the Houses of Parliament about an annual appropriation for the services of the Electoral Commission.

The Clerk-Assistant, Scrutiny and Engagement in the other place advised the Government that it is more common in the view of the Parliament for the legislation to be general with naming conventions when providing functions to standing committees. Consequently, amendments Nos 1 and 3 would update the existing references in the bill to the Joint Standing Committee on Electoral Matters. I am grateful to the office of the Clerk for its advice and expertise. These are very straightforward amendments, but the Government is seeking to cooperate with the Parliament and its view about the drafting. I commend the amendments to the Committee.

The Hon. CHRIS RATH (21:47): The Opposition also supports Government amendments Nos 1 and 3 on sheet c2024-131E, for the reasons outlined by the Deputy Leader of the Government. Including "or a committee of Parliament designated by the Parliament for this division" is important. Even if the name of the electoral matters committee changes in the future, it means that we probably will not need to come back to this House to seek an amendment of the legislation. The Opposition supports the amendments.

The CHAIR (The Hon. Rod Roberts): The Hon. John Graham has moved Government amendments Nos 1 and 3 on sheet c2024-131E. The question is that the amendments be agreed to.

Amendments agreed to.

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (21:48): I move Government amendment No. 2 on sheet c2024-131E:

No. 2 Appropriations for the Legislature

Page 4, Schedule 1[3]. Insert after line 24—

Division 4.2B Appropriations for the Legislature

4.14D Notification of proposed budget allocation

- (1) The Treasurer must give written notice to the following of the amount proposed to be appropriated for the services of the Legislature in the next annual Appropriation Act—
 - (a) the Presiding Officer of each House of Parliament,
 - (b) any committee of Parliament, or a House of Parliament, designated by the Parliament or the House for this section.
- (2) If the amount is different from the amount sought for the services of the Legislature in a budget proposal, the notice must include reasons for the variation.
- (3) The Treasurer must give the notice within 7 days after the Bill for the annual Appropriation Act is introduced into the Legislative Assembly.

As I indicated in the second reading speech, the Government had considered codifying arrangements for the parliamentary consideration of appropriations for the Legislature but introduced the bill without those provisions after we consulted with both the Presiding Officers and the Clerks of both Houses. The amendment proposes a new provision that would provide the first step in expanding the role of the Parliament overseeing its budget through its committee processes, but it leaves the substance of those committee processes to a subsequent process initiated by the House. That is a matter for the Houses to consider. That view has been put to us by the Presiding Officers. It is appropriate and not an unusual view for the Parliament to take. The Government is happy to facilitate that in the bill.

As members would be aware, the former Public Accountability Committee recommended that the Legislative Council designate that committee to review the annual budget submissions of the Department of the Legislative Council and the Department of Parliamentary Services, and give directions as to the funding priorities of those departments. Building on the intent of the recommendations of the Public Accountability Committee, the Government amendment proposes to insert a new division 4.2B entitled "Appropriations for the Legislature" into the Government Sector Finance Act 2018. New section 4.14D provides that within seven days after the bill for the annual Appropriation Act is introduced in the other place, the Treasurer is to give written notice of the amount proposed to be appropriated for the services of the Parliament to the Presiding Officers of each House of Parliament and any committee of Parliament or House of Parliament designated by the Parliament or the House for the purposes of that section. If the amount is different from the amount sought for the work of the Parliament in a budget proposal, the notice must include reasons for the variation.

The drafting enables each House of Parliament to designate by resolution a preferred committee to consider funding. It also enables the Parliament, by joint resolution, to designate a joint committee to consider funding for the Department of Parliamentary Services. The Government amendment makes provision for the first step—that is, notification by the Treasurer to the Parliament of the appropriation for the Parliament. The specific model of parliamentary committee will then be a matter for the Parliament to determine. I thank the Presiding Officers and the Clerks for their engagement with the Government on this matter and their advice. We are grateful for it, and we look forward to continuing to work with them and the members of both Houses to finally land that. We take the important step that we can in the bill today, and there will be more work to come by those members of the House. I commend the amendment to the House.

The Hon. MARK LATHAM (21:51): I support the amendment moved by Special Minister of State. I gratefully and humbly accept the Government's nomination to be the chair of the new oversight committee! I will do my best; I will not let the Parliament down.

The Hon. CHRIS RATH (21:52): The Opposition also supports this amendment, which essentially harmonises a future potential committee for the Legislature, just like that of the ICAC committee, the electoral matters committee and the others outlined in the bill. We think that is a very good thing. It is also a good idea to leave it up to the Parliament to determine what that committee might look like in the future, rather than it being dictated to by the Executive Government.

The CHAIR (The Hon. Rod Roberts): The Hon. John Graham has moved Government amendment No. 2 on sheet c2024-131E. 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.

Announcements

PARLIAMENTARY APPROPRIATIONS FUNDING MECHANISM

The PRESIDENT (21:54): I note the reference made by the Minister during debate on the Government Sector Finance Amendment (Integrity Agencies) Bill 2024 to steps being taken by the Presiding Officers and the Clerks to explore the most appropriate mechanisms to give effect to the intentions of the bill with respect to a more independent funding mechanism for parliamentary appropriations. I confirm that we are taking the matter seriously and have already started the process of consultation with our Federal counterparts.

Committees

PUBLIC ACCOUNTABILITY AND WORKS COMMITTEE

Government Response

The Hon. JOHN GRAHAM: I table the Government response to 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 16 May 2024.

PORTFOLIO COMMITTEE NO. 8 - CUSTOMER SERVICE**Reference**

The Hon. EMMA HURST: I inform the House that in accordance with paragraph (6) of the resolution establishing the portfolio committees, Portfolio Committee No. 8 - Customer Service has resolved this day to adopt the following reference:

Public toilets

That Portfolio Committee No. 8 - Customer Service inquire into and report on public toilets, and in particular:

- (a) the provision, design, accessibility and inclusivity of public toilets across New South Wales, including toilets provided in public places and toilets provided for the use of members of the public in private premises accessed by the public;
- (b) State, national and international best practice for the provision and maintenance of public toilets;
- (c) the regulation of, and funding for, public toilets in New South Wales and whether new standards, guidelines, funding models, legislation or other forms of regulation are warranted; and
- (d) any other related matters.

*Bills***REGIONAL DEVELOPMENT AMENDMENT 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) (21:56): I move:

That this bill be now read a second time.

I introduce the Regional Development Amendment Bill 2024. The Government has a plan for regional New South Wales. It knows that the regions are vital to the prosperity and success of the State. The regions are home to one-third of the State's population and to vital industries like agriculture, aquaculture, mining, heavy industry and manufacturing. The Government is continuing to work hard to support regional communities, businesses and economies. The bill modernises the Regional Development Act 2004 and is yet another example of this Government delivering on its commitment to support, protect and develop our regions. The bill is a cornerstone of the Regional Development Roadmap, the Government's plan for a fresh approach to investing in regional New South Wales.

The road map includes three key parts: re-establishing the Regional Development Advisory Council to provide independent advice on regional economic development; a \$400 million investment in the Regional Development Trust Fund; and, finally, modernising the Regional Development Act. The Government's plan is a break from past approaches. Instead of pork-barrelling, coloured spreadsheets and electorate maps, the Government's regional investments will be centred on sustainable, deliberate and impactful investment and independent advice. The Government's approach to regional investment can be summarised as community need over political greed. The investments will be sustainable, focused on the future and guided by a clear set of principles.

Regional communities have changed significantly in recent years, and that is presenting new opportunities and challenges. Over the coming years, the regions will be increasingly integral to the economy as they support the growth of established and emerging industries. We know that regional New South Wales faces its fair share of challenges now and into the future, and the Government is working hard to make sure that the future of our regions is being looked after. The New South Wales Government recognises the changes and challenges in regional New South Wales, which is why it is amending the Regional Development Act as a key step in supporting the future of our regions. I stress that this is one of several ways the New South Wales Government is supporting regional New South Wales.

The Government has already made a significant financial commitment to our regions. In our first two budgets, we made an investment of \$400 million in the Regional Development Trust. That money is for people living and working in regional New South Wales and will be invested strategically via the framework in the bill so that its benefits will be felt for generations to come. We are supporting sustainable investment, not sugar hits. We are moving away from the ad hoc approach that saw a lot of communities miss out because they were not in marginal seats. The Regional Development Act was introduced in 2004.

The PRESIDENT: Order! According to standing order, it being 10.00 p.m. proceedings are interrupted.

*Adjournment Debate***ADJOURNMENT**

According to standing order, members made the following statements.

PLANT BASED TREATY

The Hon. EMMA HURST (22:00): I draw the attention of the House to a very important initiative, the Plant Based Treaty. The treaty is both practical and solution focused. It advocates for individuals, groups, businesses and cities to shift towards a plant-based food system and, in doing so, align with the environmental goals of the Paris Agreement. In the words of the Plant Based Treaty, food systems are at the heart of combating the climate crisis. The treaty's three core principles include preventing further degradation or deforestation for animal agribusiness, transitioning away from animal-based food systems towards plant-based systems, and actively restoring key ecosystems. It makes complete sense, especially since the United Nations recognises that animal agribusiness is the single largest contributor to global greenhouse gas emissions.

That has led 30 cities around the world—including Amsterdam, Los Angeles and Edinburgh—to endorse a call for national governments to negotiate a global Plant Based Treaty. In Amsterdam, implementation of the Plant Based Treaty includes plans for all major employers and public institutions to introduce plant-based meal options and vegan Fridays. That means there is at least one truly sustainable and compassionate meal each week at hospitals, community centres and care institutions.

Meanwhile, in Haywards Heath in the United Kingdom, the council has chosen the Plant Based Treaty and food waste reduction as the cornerstone of its environmental initiative. That local council is now building test cases for 100 per cent plant-based catering at public events. According to the local Green Party councillor, Deanna Nicholson, Haywards Heath is not only reducing its carbon footprint but also providing more inclusive events for the community.

Ultimately, plant-based food systems are key for social inclusion. I am pleased to share the news that in June, Darebin City Council became the first Australian city to endorse the Plant Based Treaty. The motion was approved with overwhelming support, receiving eight votes in favour and only one against. The decision was visionary and rational, and Darebin is now carving the way for other Australian cities and councils to do the same. Darebin Mayor Susanne Newton explains:

As one of the regions of the world that could suffer some of the worst climate impacts, we should and can be doing all we can to change our habits for the better.

So far 29 individual councils in Australia have endorsed the Plant Based Treaty, with support continuing to grow. The Plant Based Treaty has received support from 150,000 individual endorsers around the world, five Nobel laureates, Intergovernmental Panel on Climate Change scientists and more than 3,000 groups and businesses, including the Animal Justice Party, the Australian Vegetarian Society, Animals Australia and chapters of Greenpeace and Friends of the Earth.

Even the Mayor of New York, Eric Adams, has introduced plant-based initiatives. Cultural events hosted by the mayor's office are now exclusively plant based, and plant-based meals are the default option in hospitals. All public schools serve vegan meals on Fridays and, for the first time, New York is measuring its consumption-based food emissions. The city has already seen better health outcomes and significant emission reductions. If a mega metropolis like New York can do it, surely we can too. The reasons are compelling. We are talking about community inclusion, food justice and security, reducing our carbon footprint, and ensuring a sustainable future for all. Most importantly, we are talking about the immediate impact that compassionate alternatives have in saving billions of individual animals from a lifetime of exploitation and suffering.

Animals are not here for us. Our systems of exploitation cannot continue—and one day those systems will be relics. The shift to plant-based food systems is necessary and inevitable if we are to have any chance at a healthy and viable planet. That shift brings with it immense opportunity, potential and innovation. I strongly encourage all local councils in New South Wales to endorse the Plant Based Treaty. Even closer to home, I invite all members of Parliament and staff who are interested in New South Wales Parliament House becoming a more sustainable place of governance to reach out. Step by step, we can make this a kinder, more inclusive and forward-thinking institution.

AFGHANISTAN HUMAN RIGHTS

The Hon. Dr SARAH KAINE (22:04): At an event earlier this year I met Zainab Khavairie, an inspiring Afghani woman, who approached me about raising awareness of the situation in Afghanistan. Thanks to Zainab's passion and connection, today—the third anniversary of the fall of Afghanistan—I held an event in Parliament to

raise awareness of Afghanistan's current humanitarian crisis. Tonight I share with the House Zainab's own powerful words. This is Zainab's speech:

Today, you are hearing my pain, not just as a survivor but as a voice for those who have been silenced. As we mark the third anniversary of the fall of Kabul, I cannot help but reflect on the dreams that were shattered and the lives that were irrevocably changed on that fateful day.

In 2013, I left Afghanistan while I was six months pregnant because of life threats from the Taliban. I became an immigrant again, but this time, I was alone—just me and my unborn son. We came to Australia. I started learning English, going to university, and building a future for myself and my son. I did not give up, but it was not easy.

I thought that I could heal my pain, trauma, and anxiety from the fighting years. I dreamed of one day returning to my country to empower women and take steps to eliminate the inequalities between men and women in Afghanistan.

But then, the Taliban returned to power in Afghanistan, and the pain returned as well. Though I am here, my soul is wearing a burqa on the streets of Kabul, beaten by the sticks of the Taliban every day. All my sacrifices, my years of studying at the police academy alone to open pathways for others were wasted. All women were sent back home and isolated. My dreams of returning to Afghanistan and seeing women's freedom transformed into nightmares.

I remember the young and beautiful girls of Kabul University, adorned in colourful clothes, their laughter and joy a testament to the bright future they were building for themselves. Now, those memories are shadows in the ruins, and the very buildings that once echoed with their happiness now stand silent, overshadowed by despair. The trees that once offered shade and comfort now witness the sorrow and oppression of a people denied their freedoms.

I think of the young girl in year 7, separated from her blackboard and chalk, forced into long, black clothing that stifles her spirit. I think of the 13-year-old girl, whose laughter and play have been replaced by the terror of forced marriage to an older man. These are not mere stories; they are the daily realities for countless young girls and women whose lives have been shattered by the return of the Taliban.

I see the pregnant police officer who was killed by the Taliban in Ghor province in my nightmares. I wake up, take a deep breath, and think of my sister, who is still in Afghanistan. Another night, I dream of my mother going to the mosque. I try to stop her, but the terrorist suicide attacker arrives before I can. I wake up, call my mother, and plead with her, "Please, please do not go to the mosque; nowhere is safe now." I take another sleeping pill and fall asleep again, only to find myself in a dream, wearing a burqa, unable to breathe under it. A Talib comes toward me, and I yell for help, but no sound escapes my lips. All people around me watch in silence.

I made a counselling appointment and shared all these nightmares with my counsellor, who told me, "At least you are safe."

And I should be happy.

But am I truly safe?

I might not be beaten by sticks or injured by Taliban bullets, but I feel the pain of those who suffer. I am not safe here. I cannot dream. I am all nightmares; I am not happy. And I am dying with every piece of bad news that I hear from Afghanistan. As we remember the fall of Kabul, let us renew our commitment to stand in solidarity with those who are oppressed. Let us not be mere witnesses to their suffering but active voices for justice and change. The fight for the rights and dignity of women and girls must continue, for they deserve a future where they can thrive, not merely survive.

CYSTIC FIBROSIS

The Hon. JACQUI MUNRO (22:09): On Saturday night I attended a fundraiser in Oatlands for Team Simon, an organisation founded by the Bazouni family after their then 17-month-old son, Simon, was diagnosed with cystic fibrosis. Their first question was: How long does our son have to live? Life expectancy is 34 years, they were told. That is my age today. Every year one in 2,500 Australians are born with cystic fibrosis, or one every four days. It is the most common life-limiting genetic condition in Australia. I went along to Team Simon's fundraiser without any prior relationship with the charity or the family and without knowing anyone at the event, because earlier this year, when the time was right for me to undertake reproductive carrier screening—genetic testing—I found out that I was a carrier of the cystic fibrosis gene. I am one of the estimated one in 25 Australians—women and men—who carry the gene. If I have a child with another carrier of the gene, there is a 25 per cent chance that a child would be born with cystic fibrosis.

Today most people born with cystic fibrosis will live into adulthood. However, there are a range of symptoms primarily affecting the lungs and digestive system that make life challenging. With improved treatment, people with the disease are living longer but they are then more likely to experience chronic health conditions like colorectal cancer and heart disease. Cystic Fibrosis Australia says that people with cystic fibrosis develop an abnormal amount of excessively thick and sticky mucus within the lungs, airways and digestive system. That causes impairment of the digestive functions of the pancreas and traps bacteria in the lungs, resulting in recurrent infections leading to irreversible damage.

From birth, a person with the disease undergoes constant medical treatments and physiotherapy. Simon, now almost a teenager, takes what his family describes as endless daily pills and physiotherapy sessions to manage his symptoms, which are largely invisible. Team Simon, now an Australian Charities and Not-for-profits Commission accredited charity, was created to raise money for research into cystic fibrosis to help Simon and

other children who live with an incurable disease to live a better, symptom-treated life. On Saturday night the goal was to raise half a million dollars, which the Bazouni family are well on their way to reaching.

I am fortunate to know the risk that my genes carry, which gives me a greater level of choice about my health care and future family. Of course, all babies should be cared for and loved no matter how they are born, but it is important to let people know that minimising the risk of cystic fibrosis, and two more of Australia's most common genetic disorders, is possible through free genetic testing available to women and men who are thinking of starting a family. In Australia the three-gene carrier screen, covered by Medicare, tests for cystic fibrosis, spinal muscular atrophy and fragile X syndrome, all of which impact quality of life of people with those diseases.

Genetic testing helps people assess risk when planning a family, and professional genetic counsellors are available to people who would like to discuss their options when it comes to screening and results. Cystic Fibrosis Australia implores us to think about undertaking carrier screening. It is not unusual to be identified as an individual carrier of a genetic condition. The risk in babies occurs when two matched recessive genes carried by both biological parents are present. Cystic fibrosis has been present in the human genome for around 5,000 years, surviving and spreading globally with more than 2,000 mutations, some of which are specific to individual family trees.

Australia has one of the highest rates of cystic fibrosis in the world. I note, though, that the Centre for Genetics Education notes that data related to Australia's three most common genetic disorders—the ones that we can test for free, including cystic fibrosis—is only representative for Caucasian populations. That is where I am pleased to give a plug to Science Week, which is happening right now, from 10 August to 15 August. Science Week was started by the Australian Science Teachers Association with the pure goal to celebrate science. It has grown to encourage public engagement, note achievements and improve scientific literacy amongst young people.

The promotion of science and scientific investigation is what will lead us to better understanding of our most common genetic diseases, leading to improved treatments, and even cures, for those debilitating conditions. Australian charity Cure4 Cystic Fibrosis says that researchers they have funded have uncovered incredible Australian research that has the potential to transform cystic fibrosis treatment globally. It is really important to be able to improve research into these areas so that not just Caucasian populations are covered by the knowledge that we have. Australians are at the forefront of science in so many ways. I thank Team Simon, our wonderful scientists and our healthcare professionals who continue to work for an improved quality of life for Australians.

RACING NSW

The Hon. MARK LATHAM (22:14): Last Friday Mr Peter V'landys gave evidence at the Rosehill racecourse inquiry, and in a low-grade, unprofessional performance he claimed to be a victim of bullying. That is news to the scores of racing participants he has intimidated and bullied during his time at Racing NSW. Members had their eyes opened to Mr V'landys in the Russell Balding matter last year when Chris Minns and David Harris were so weak as to simply do what V'landys and the Tele told them. Stripped bare of the media puff pieces and jokey, soft sports interviews, last Friday people saw the real Peter V'landys: Ninety minutes of arrogance, bluster and incompetence that had many wondering how this guy ever advanced so far. His is a very Sydney story of how far limited ability can carry a person when they specialise in networking, patronage and influence buying.

Mr V'landys has not seen the huge volume of confidential submissions to the Rosehill inquiry that outline incredible evidence of serious chronic maladministration at Racing NSW. The submissions are confidential because so many people in thoroughbred racing live in fear of this man and his manic intolerance of dissent and disagreement. Yet Mr V'landys labelled those people as cheats, liars, undesirables and cowards, even though he knows many of them personally and used to regard them as friends and colleagues. In a gift to the Animal Justice Party, he even said they were wealthy breeders sending their horses to the abattoirs, which is a completely untrue statement from a position of ignorance.

Let me set the record straight. Scores of whistleblowers have said that Mr V'landys is out of control, a man with too much power, which has gone to his head, and a tyrant engaging in the abuse of regulatory power: repeatedly interfering in stewards' inquiries and the work of the integrity unit, threatening to rub out licensed people without due process, and intimidating staff and racing participants because they disagree with him. They have said that he is blackmailing race clubs like Scone and Goulburn so they only receive Racing NSW funding in return for major concessions such as freehold title; banning trade union membership among Racing NSW employees; presiding over a toxic workplace culture and atrocious working conditions, especially for stewards; and wasting Racing NSW funds on legal action and numerous lawyer letters, because of his own overly sensitive and litigious nature, in personal legal action financed by Racing NSW with his delegation of up to \$1 million.

Whistleblowers have said that he has engaged in sexually inappropriate hiring and promotion employment practices at Racing NSW; nepotism and favouritism in employment practices at Racing NSW to curry favour with his media allies; and open buying of influence from politicians and media through the Directors Room at Royal Randwick and other free hospitality and overseas trips. They say he used his media acolytes, like Ben Fordham and James Willis, to hunt down and harass respected long-serving racing participants who disagreed with him on matters like the extension of Russell Balding's term, and provided misleading doctored information to board meetings from Racing NSW department heads. They say there is a lack of financial accountability and poor financial management practices, and a control freak culture whereby an extraordinary number of decisions and expenditure authorisations need to be personally approved by Mr V'landys without appropriate delegations throughout the organisation.

I appreciate that not everyone in the Minns Government is part of the conga line of sycophants bought off to support Peter V'landys through gifts, favours and hospitality and living in fear of the Tele and 2GB, which have also been bought off. One would have thought a Labor Premier like Chris Minns would be concerned by the toxic workplace culture, atrocious working conditions and the banning of trade union membership at Racing NSW. But little Chris needs Peter V'landys and the Tele, and he needs Rosehill, that unsolicited proposal the Government solicited through a political deal with the Premier's friend Steven McMahon to show that, on one issue at least, the Premier has a vision for Sydney. It might turn Rosehill into our Hong Kong, but that is all he has to get the critics off his back.

The Labor left at least knows that V'landys has too much power, and too much power, of course, is the mortal enemy of social justice. It used to be an abiding Labor tradition to disperse power and be inherently sceptical about the overpowerful, but no longer under Chris Minns. I would not go as far as the transport Minister, who says that Peter V'landys belongs in jail, but I certainly believe he is unfit to be in charge of a major sporting code, let alone two.

LOCAL GOVERNMENT ELECTIONS

The Hon. BOB NANVA (22:19): It is the final evening Parliament sits before the September local government elections. When we return to this Chamber on September 17, our State's local councils will have many returning councillors and freshly elected ones looking forward to the next four years of representing their communities. It is a truism that local government can often be overlooked and undervalued, but it is undeniably a hugely consequential level of government. Many of the State's most tangible services, facilities and infrastructure are made or unmade at the local government level. The look and feel of an area—its planning, amenities, vibrancy and liveability—are all determined in a significant way by those who we entrust to oversee areas of local environment and development control plans. Councillors may not have their hands on every lever of power but the ones that they do control are of great consequence. Perhaps contributing to the undervalued nature of the role, most councillors in local government areas do not seek attention but are local community advocates who quietly and methodically get things done.

As a former councillor myself, I know all too well how important the role is and the transformational impact that decisions can have on an area and its people. There are few instances where a resident's life would not be touched in some way by the services provided by their local council. Parks and grounds, libraries, childcare services, roads, health services and waste are all delivered at the local government level. They are all essential services that are too often unheralded, but are as indispensable as the work of teachers and emergency service workers. This is not to mention the role of councils in giving locals their first professional start in life. Engineers, mechanics, plumbers and civil construction workers often get their start at a local council and progress through to successful careers within the public service or private sector.

Local governments really can be at the centre of an economic ecosystem for many communities, particularly in regional areas, offering secure and well-paid jobs that provide a disposable income that can be spent at local businesses and venues. Regrettably, there has been a trend in some areas to put that stability at risk through policy changes or rampant outsourcing that is ideologically motivated rather than grounded in better service delivery. We had seen, for example, too many instances in recent years of waste workers being told with little warning that they no longer had a job or being offered the same job elsewhere for worse pay and conditions. We would not cop our nurses or teachers being treated this way, nor should we our essential workers in local government. But for the vigilance of the United Services Union and its secretary Graeme Kelly, one wonders how much further this disrespect might have spread.

It is my hope that, in the coming campaign period, the electorate does not just consider the services they expect of their councils but reflects for a moment on how councils propose to treat the workers who provide them. Ultimately, a council with a strong and productive workforce will always get better results for their local government area. That being said, there is still a lot to be thankful for. In the main, we are well served by the values and local connections of our elected representatives. More than any other level of government, local

candidates could be your neighbour, your colleague, a small business owner or a local champion. To nominate without the expectation of being remunerated handsomely is a sign of commitment to civic service. To do the job and do it well takes drive and passion. The privilege is given to only a few. The responsibility in turn is to remain connected and accessible. I wish all of those who have put their hands up in the next month all the best.

MEMBER FOR RIVERSTONE

The Hon. SCOTT FARLOW (22:22): Where is Warren? That is the question the people of north-west Sydney are asking about the member for Riverstone. And, no, it is not just about the cheesy posts on his Facebook page. The member for Riverstone, Warren Kirby, has fallen foul of one of the cardinal sins of government: do not make promises you cannot keep. The member for Riverstone has made a doozy. Before the last election, Warren Kirby, then the Labor candidate for Riverstone, made this ironclad promise to voters: "We're going to have a bit of a pause on the amount of development that's going on, the amount of residential development."

It is a more than valid point in north-west Sydney as it has seen considerable growth over the past 10 years. But the member for Riverstone promised his voters that there would be "a bit of a pause" on residential development in the Riverstone electorate. Lo and behold, under the new proposal by the Minns Labor Government, the suburb of Stanhope Gardens in the Riverstone electorate has been rezoned for higher density. There is no pause on development as promised by the member for Riverstone. Instead, the Minister for Planning and Public Spaces has hit the fast-forward button. The department's own explanation of intended effect document outlines that the proposed rezonings will increase capacity in Stanhope Gardens by 7,477 dwellings, which is a 462 per cent increase. Without a plan for upgrades to infrastructure, this rezoning plan is already causing considerable angst among local residents. Residents have already said on the Facebook page of the member for Riverstone:

The Government needs to understand that the Metro is not the only piece of infrastructure required to support a community ... we do not have the infrastructure or means of supporting this large increase in residents.

Another resident wrote:

Windsor Road from Rouse Hill to Bella Vista is already congested as it is.

I could go on. During my visits to the rezoned transport oriented development [TOD] areas with the member for Winston Hills, Mark Taylor, we heard the same thing over and over; but the Premier and the planning Minister are not listening. For a rezoning proposal to increase the number of dwellings by 462 per cent in an established area with largely freestanding homes, the Opposition and the local community expects an accompanying infrastructure plan to support these changes. Such a plan is nowhere to be seen. Riverstone constituents are often people who moved into the area for what it is. These people are not anti-development, but they need assurances that roads such as the often congested Old Windsor Road will be upgraded, that their streets will be able to cater for the increased number of cars and that new schools will be built in the area.

At the moment, Kellyville Ridge Public School is at 207.1 per cent capacity, Parklea Public School is at 135.7 per cent and Kellyville Public School is at 177 per cent. The young families in this growing area need assurances that the capacity at their schools will increase today, let alone in years to come. The limited funding the Government has outlined to date is completely unsuitable and will struggle to deliver one major road upgrade or a single new school when the money is broken up among the seven existing TOD accelerated precincts. The plan should detail upgrades to local schools; improvements to major roads and access points to suburbs; upgrades to health facilities; and vital upgrades to emergency services such as police, fire and ambulance amenities. It is unfair to the future residents who the Government wants to live in Stanhope Gardens that they cannot rely on this Labor Government to provide the infrastructure they will need from the day the moving vans turn up.

The member for Riverstone also said before the election, "We think we're doing more than our fair share of heavy lifting when it comes to residential housing development." He even ran a petition on his website in government about it. But the memo does not seem to have reached the planning Minister. Instead, Labor has assigned the Blacktown local government area [LGA] the second highest housing target in Greater Sydney, of 21,400 over the next five years. The highest target is, of course, for the Hills shire local government area, 23,300. The shire LGA is just across the road, sharing road infrastructure in particular with Stanhope Gardens and the Blacktown LGA.

Labor and the member for Riverstone promised to "rebalance housing targets" but that has not come to fruition. If it has, what kind of balance is it for the people of Stanhope Gardens? Blacktown LGA was given a higher housing target by Labor than it was by the Coalition. The member for Riverstone, Warren Kirby, is a lovely bloke who is a very pleasant guy to be around. I quite like him. The community, however, do not just want a nice guy; they want a government that acts in their interests. During question time today in the other place, the planning Minister said, "The member for Riverstone has been entirely consistent," about development. The only thing that

Warren Kirby has been entirely consistent with is the sheer inconsistency of promises that he and Labor made to the people of Riverstone and that the Government is now delivering in their backyard.

The DEPUTY PRESIDENT (The Hon. Emma Hurst): The House now stands adjourned.

The House adjourned at 22:28 until Tuesday 17 September 2024 at 12:30.