

## LEGISLATIVE COUNCIL

**Thursday 19 September 2024**

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

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

### *Motions*

#### **SONAM LOCHHAR CELEBRATION**

**The Hon. ANTHONY D'ADAM (10:01):** On behalf of the Hon. Mark Buttigieg: I move:

- (1) That this House notes that:
  - (a) on 10 February 2024, the Tamang Society of NSW held a Sonam Lochhar celebration at the Marana Auditorium in Hurstville and the Hon. Mark Buttigieg, MLC, was honoured to attend representing the Premier, the Hon. Chris Minns, MP, and make a speech;
  - (b) the Tamang people have a rich history and folklore spanning back countless generations in South Asia and are the largest community of Indigenous people recognised by the Nepalese Government;
  - (c) the Tamang Society of NSW has been supporting people of Tamang ancestry since 2009, and the community organisation runs a number of major social and cultural events throughout the year, hosts information sessions for the community and champions cultural diversity;
  - (d) Sonam Lochhar celebrates the Tamang New Year, which is a significant festival in the Tamang calendar, and it is a time for reflection and connection with loved ones, with 2024 marking the dragon year; and
  - (e) guests attending Sonam Lochhar included Ms Donna Davis, MP, member for Parramatta, and councillor Ashvini Ambihaipahar, Georges River Council, who also represented the Minister for Multiculturalism, the Hon. Steve Kamper, MP.
- (2) That this House congratulates the Tamang Society of NSW for conducting this fantastic Sonam Lochhar celebration.

**Motion agreed to.**

#### **ITALIAN CHAMBER OF COMMERCE AND INDUSTRY GALA DINNER**

**The Hon. SUSAN CARTER (10:02):** I move:

- (1) That this House notes that:
  - (a) the Italian Chamber of Commerce and Industry in Australia Inc. held its forty-fourth Gala Dinner and Expo at Le Montage Lilyfield on 14 September;
  - (b) the event was well attended by the Italian business community in Australia, and attendees included:
    - (i) the Hon. Penny Sharpe;
    - (ii) the Hon. Susan Carter;
    - (iii) the Hon. Senator Dr Francesco Giacobbe, member of the Italian Parliament;
    - (iv) His Excellency Mr Gabriele Visentin, EU Ambassador to Australia;
    - (v) His Excellency Mr Paolo Crudele, Italian Ambassador to Australia;
    - (vi) Mr Gianluca Rubagotti, Consul General of Italy in Sydney; and
    - (vii) Mr Fabio Grassia, President of the Italian Chamber of Commerce and Industry in Australia Inc.
  - (c) the event celebrated the outstanding achievements of several successful Italian business leaders in Australia, some of whom were the recipients of business awards.
- (2) That this House notes that winners of the business awards were:
  - (a) Irpinia Escapes, the winner of the Small Enterprises Award;
  - (b) Ferrari Australasia, the winner of the Medium Enterprises Award;
  - (c) Prysmian Australia, the winner of the Large Enterprises Award;
  - (d) Webuild Group, which received a Special Mention; and

- (e) Anita Belgiorno-Nettis, who was inducted into the Hall of Fame in recognition of her dedication to cultural enrichment and social welfare.

**Motion agreed to.**

*Committees*

**JOINT STANDING COMMITTEE ON ROAD SAFETY**

**Reports**

**The Hon. ANTHONY D'ADAM:** I table report No. 1/58 of the Joint Standing Committee on Road Safety entitled *Electric and hybrid vehicle batteries*, dated September 2024.

**The Hon. ANTHONY D'ADAM (10:03):** I move:

That the House take note of the report.

**Debate adjourned.**

*Visitors*

**VISITORS**

**The PRESIDENT:** I acknowledge guests of the Hon. Susan Carter who are present in the gallery today. They are representatives of the Armenian National Committee in Australia, including the executive director, Michael Kolokossian.

*Business of the House*

**POSTPONEMENT OF BUSINESS**

**The Hon. PENNY SHARPE:** I postpone Government business notices of motions Nos 1 and 2 until the next sitting day.

*Matter of Public Importance*

**MCPHILLAMYS GOLD PROJECT**

**Ms CATE FAEHRMANN (10:25):** I move:

That the following matter of public importance be discussed forthwith:

McPhillamys goldmine and the location of tailings dams.

I am speaking only to urgency at this time. We know, even just from debates in this Chamber over the last couple of days—it is quite perplexing, actually—that this matter has hit the headlines in such detail for so long, but we have all political sides talking about this mine and putting forward misinformation. I know that the Minister for Natural Resources, for example, is meeting with the company. The Premier has said the Government is trying to find solutions. If we get to discuss this matter today, it is important that the facts of the issue are put on the table. Frankly, that is what the discussion will be about. I urge all members to support the motion.

In the media over the last three weeks we have seen extraordinary misinformation, extraordinary attacks on people who are trying to protect the river and extraordinary attacks, most disgustingly, on people of Aboriginal heritage, representatives of traditional owners and, indeed, traditional owners. We have seen disgraceful attacks on their statements, on their very Aboriginality and on their advocacy to protect their sacred sites and to protect what is an incredible area for the history of this nation, the history of this State and, from what we heard last week in this place, the history of this very Legislature. That said, I hope members will support the motion. I will save all of my substantive matters and arguments for the discussion. I commend the motion that this matter be discussed today.

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (10:27):** In the interests of time, I indicate that the Government does not oppose urgency. This is an important issue. It is one that this Government is firmly focused on. The Government will not oppose the matter being brought on for discussion in this Chamber.

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

**Motion agreed to.**

**Ms CATE FAEHRMANN (10:28):** I moved to debate this matter of public importance today because of the extraordinary attention received by the Federal environment Minister's application of section 10 and the order

that a tailings dam site for the McPhillamys goldmine in the State's Central West near Blayney not be constructed on the headwaters of Belubula River. Yesterday both names were mispronounced by members of the Opposition.

**The Hon. Sam Faraway:** Point of order: I live in the region and I know how to pronounce Blayney and Belubula. I did not mispronounce them. If the member wishes to make accusations or have a crack at me or members of the Opposition, she should do so by substantive motion.

**The PRESIDENT:** There is no point of order. If Ms Cate Faehrmann had referred to the Hon. Sam Faraway by name, there may have been a point of order. But she did not, so there is not.

**Ms CATE FAEHRMANN:** A lot of hysteria and misinformation—and, frankly, a fair bit of racism—has reared its ugly head since the decision, including in this place. I use today's debate to set the record straight on the impacts of the goldmine and the tailings dam and to give voice to the local community, who have frankly been ignored in the process. Here are the facts. First things first—the tailings dam was approved by a broken and biased planning system in this State that will literally dam the headwaters of the Belubula River. The word "Belubula" stems from "bila bula", or "two rivers" in Wiradjuri. The Belubula headwaters have major streams feeding into them. They feed into the Lachlan River, which is part of the Murray-Darling Basin system.

I have been to Blayney and met with local families who will be impacted by the mine, and I have stood with them at the boundary fence of the project area, where they told me that Regis plans to drill out 26 springs that make up the headwaters and fill them with cement. They told me how they have lived on the river for three generations and rely on those springs 12 months of the year. They described how when it does not rain, the springs start feeding the river by filling the holes. The river flows even after a drought because it is already charged because of those springs. It is important that people get a sense of the scale of the tailings dam. Its 40-metre-high wall will stretch across the valley for 1.2 kilometres. Warragamba Dam wall is 50 metres high, and this one is 40 metres. It will spread out over the whole area of springs and tributaries that make up the headwaters of the river. From day one, as soon as the wall is built, it will block the river, robbing downstream communities and the river itself of those extremely important flows.

Regis has not guaranteed to the families that live near the tailings dam and along the river that the tailings wall will not fail, despite them seeking that guarantee. In fact, the proponent has admitted that if there is a tailings wall failure, the contents of the tailings dam will flow into the Belubula River. That is right: Water contaminated with a cocktail of heavy metals would flow along the Belubula and then along the eight kilometres downstream into the township of Blayney, into Carcoar Dam, into the Lachlan River and then into the Murray-Darling Basin, which is our nation's food bowl.

Regis says that will not happen, but so did Newcrest of its Cadia mine at Orange. So did BHP, one of the world's biggest mining companies. There are over 90 houses within two kilometres of the boundary of the mine site, meaning there are more than 200 people who are directly next door to the proposed mine. A massive tailings dam at Cadia goldmine failed and has been leaking toxic water full of heavy metals into the groundwater ever since. The company cannot fix that tailings dam. The whole project is less than 10 kilometres from the town of Blayney, which has a population of 3½ thousand people.

There are howls from all directions that the section 10 declaration will cost the community. The Premier has said thousands of jobs, although he corrected that when I challenged him. Media outlets were saying 1,000 jobs, but now they have the figure down to 800. Regis Resources' economic impact assessment states that during the construction phase, the peak project workforce—the absolute most at any single time—will be around 710 people, and that is just in year one. Although it is noted that the number of construction workers will vary, it will average around 580 people in the first year of construction. It then moves to the operations phase, which is for 10 years. The workforce will fluctuate over that time, but it will average 260 full-time equivalent persons employed from years two to 11. Let us be clear: If the project finds another spot for its tailings dam—preferably one that is not at the headwaters of a river—and it gets underway, it will only operate for 10 years. In response to the jobs argument, one Blayney local told me:

Firstly, the unemployment rates in the central west are below 2.5% which is a good 1.5% below what economists all agree is full employment.

So there's no one looking for work!

What this means is that the mine is going to advertise for jobs, and the local mechanics, local mobile farming machinery repairers or your local labourers will put their hand up to say "yep, I'll go for the higher paying job at the mine."

And it costs your small local business in terms of repairing jobs, you can't get your car serviced or your equipment serviced as quickly.

So yes, there is going to be some jobs, we're not denying that there will be some jobs, but what we're saying is they're not needed.

They can't be filled, and if they are filled, it's going to come at the cost of smaller businesses, and when they're filled, and if, it's going to result in higher cost of living and inflation locally for those people in Blayney and the Kings Plains area.

Then there are the jobs and businesses that are already there that will be impacted by the mine. One of those businesses is Goldfields Honey. It is one of the largest beekeeping companies in Australia and is located about two kilometres from the tailings dam. The family behind Goldfields Honey, the Lockwoods, have kept bees in the district for many decades. They selected the location for their bee operations because it has very high rainfall and a huge diversity of eucalyptus species. The mine will destroy hundreds of acres of those eucalyptus trees. As well as their property, they also lease the nearby Vittoria State Forest for beekeeping activities, the boundary of which is shared with the proposed mine site. The forest is one of the main breeding grounds for their queen production and for building up their colonies for honey and pollination. The mine will conduct blasting earthworks, and night lighting will disturb and attract the bees.

Bees fly several kilometres if they need to forage for water, and their bees will drink the water from the tailings dam, risking contaminated water ending up in their hives and in their honey. The Lockwoods process all the honey at their facility, including packing it for major supermarkets around Australia. Their facility is Safe Quality Food accredited, meaning they have to test the water that washes everything down and adhere to very strict protocols to be able to pack for the major supermarkets to ensure that their product is safe. Their business is right to be concerned about the dust that comes from the mine site landing on their roofs, running into their water and settling on their packaging.

Their company employs 52 people, and they have a development application approved with Bathurst Regional Council for a large factory that will generate even more employment in the district. But they are unsure whether to proceed with that or to pack up their lifetimes worth of achievements and move away from the area. The local community, including the Lockwoods, say that they have expressed their many concerns to the Government throughout the planning approvals process and expressed them to the Independent Planning Commission, but the mine was approved regardless. It was approved without any of the conditions that the local community worked tirelessly on in good faith. They have been told that their lives and businesses can simply coexist with the mine site so close to them, but they have not been told how.

Let us remember that the project has a life span of just 10 years. Separate from the tailings dam, the project pit will be one kilometre wide and 500 metres deep. It will not be rehabilitated and filled at the end of its 10-year life. Regis Resources says it does not make economic sense, so it will just put a fence around it and let it fill with water over time. "Over time" means for 500 years before it apparently reaches "equilibrium", whatever that means. The environmental impact statement states that 97 per cent of the water that goes through the pit will end up in the Belubula River. All the mercury and lead that is exposed during the mining process will just go into the river, and that was all approved by the Independent Planning Commission.

As for Aboriginal heritage, comments by members in this place and the media suggested that Aboriginal cultural heritage assessments found there would be no impact. But two critiques by independent experts with decades of experience in archaeology and cultural heritage and with the necessary qualifications—Peter Kuskie from South East Archaeology and Doug Williams from Technical Heritage Studies—both found that the 2019 cultural heritage assessment report by Landsape that was relied upon by the proponents was noncompliant. In his report, Mr Kuskie stated:

I find it difficult to understand the basis for Heritage NSW acceptance ... of the Landsape (2019) heritage report, given the fundamental non-compliance with the SEARS and Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales ... and Aboriginal Cultural Heritage Consultation Requirements for Proponents ... as has been identified here above, and in much detail by the independent expert review of Williams ...

I note that Brown ... did not provide any details or justification for the Heritage NSW approval, or how the Aboriginal heritage assessment complied with the SEARS or Heritage NSW requirements.

I note the relative lengthy extent of comments provided by Brown ... on historic heritage, compared with the virtual absence of comments provided on Aboriginal heritage, and therefore question whether a qualified archaeologist in Aboriginal heritage even reviewed the Landsape (2019) report on behalf of Heritage NSW?

I also want to challenge statements like the one in The Daily Telegraph, which stated it was "an eleventh-hour decision" that "threw serious doubts over the project's future". On 23 February last year the mining industry website Mining News, under the headline "Regis falls into the red", stated:

GOLD miner Regis Resources is seeing red this morning – at least on its balance sheet – posting a loss for the December half.

Regis has started the process of refinancing its \$300 million debt facility.

It is considering how any new facility can support the McPhillamys development in New South Wales, although the CEO warned that costs for the 200,000ozpa development are substantially higher than the sub-\$250 million suggested in the original 2017 feasibility study.

The increase in costs were due to the "inadequate" front end of the plant which had to be completely redesigned to account for the hardness of the ore, a critical water pipeline has trebled in costs to around \$100 million, the tailings dam is now larger, and there is substantial surface water management infrastructure that wasn't initially contemplated.

Then on 22 July this year an article titled "Regis to make decision on billion-dollar McPhillamys in a year or two: Project requires a very strong gold price" stated:

Regis Resources will need to see a very strong gold price when it makes a decision in 2025/26 on whether to develop the near-A\$1 billion McPhillamys gold project in New South Wales.

Regis had not even decided whether it was going to invest in the project or not, less than two months ago and less than one month before the Minister made her decision. The extraordinary thing about all of this is that the project was struggling to be viable so much that the former Government also continually moved the goal posts for Regis, including by changing water regulations to allow it to purchase water out of its valley as well as all the remaining water licences from the river that local farmers had left for environmental flows. If the former Coalition Government had not been falling over itself to get this project to go ahead, it would be dead in the water.

Now the Labor Premier, Chris Minns, and the Labor Prime Minister are doing the same and even criticising a Federal Labor environment Minister's decision. There was an incredible situation in this place yesterday when Labor amended a motion by the One Nation member that condemned a decision by the Federal environment Minister to apply the law to protect cultural heritage. I note that Labor amended it to say "disappointed" rather than "condemn" because the Premier has himself said that he is disappointed in the decision and that the mine is critical for the State's economic growth and opportunities.

I refer to my previous statement about the fact that Regis Resources had not even made a decision to invest and was not going to for two years. The Minister's decision did not rule out the mine entirely but simply ordered the company to not build its 640-acre tailings dam over the headwaters of the Belubula, to not block the 26 springs and to not risk poisoning our food bowl for an 11-year project that is mostly for overseas shareholders and where most of the gold that is mined will go to jewellery. The Minister said yesterday it was not copper in that mine. The Wiradjuri people keep asking who in their right mind puts a 640-acre tailings dam over the headwaters of a river. Thankfully, the Labor Federal environment Minister saw the absolute stupidity and recklessness of that; it is just astounding that this State Labor Government has not.

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (10:43):** I lead for the Government in the discussion of this matter of public importance. As I outlined, we did not oppose bringing this issue up for debate today and we do think it is important. This Government has spoken so much about this project publicly over the previous weeks. It is a billion-dollar investment for the State that will produce about 800 jobs, including 480 in the construction phase, 220 in the operational phase and 120 in the water pipeline phase.

I am mindful that the previous speaker questioned my apparent geological qualifications when I said that there is no copper in the deposit. As the Minister for Natural Resources, I act on the advice provided to me but I am certainly not a geologist. If Regis Resources or another company finds copper at the site, I would be delighted and the Government would certainly welcome that. That is why I made those comments about the jobs. The numbers are approximate, but we understand the importance of a project of this scale. According to the information provided to the New South Wales Government, it would produce about \$200 million worth of royalties for the people of New South Wales. It is true that these are estimations, but there is no doubt that it is a significant project and one that is important for the economy.

The Premier, the Treasurer and I have expressed disappointment at the decision of the Federal environment Minister, and this House also did that yesterday. There is no doubt that this important project had received planning approval from the independent planning process, which is a robust regulatory system that takes into consideration environmental and cultural factors and the impacts on local communities. But protecting heritage and supporting mining projects is not a zero-sum proposition, so it would be helpful to provide some information about the planning process that was undertaken.

As I have said, this is a significant issue for the State, and a large part of the independent planning approval occurred under the previous Government. This Government had won the election by the time the Independent Planning Commission [IPC] decision to grant consent was announced in March 2023, but Government members welcomed that decision. We understood that the project had been through a rigorous environmental and heritage approval process and we expected the project to go ahead. The public hearings that the IPC held as the consent authority before making its determination found that, on balance, harm to Aboriginal heritage could be acceptably managed through the conditions of consent.

One message that I have heard from the industry and the community is that there is a need for consistency to allow future investment in our critical minerals and high-tech metals and to realise the amazing opportunities available in New South Wales. As I said yesterday, and have repeatedly said in this place, we have 21 out of the 31 nationally identified critical minerals. We have great opportunities. There are already 4,000 people working across the critical minerals industry in New South Wales today. We want more of those and we want to be able

to realise those opportunities, but the only way we will do that is by establishing a stable investment environment to encourage more of that work to be undertaken. I wrote to explain that to Minister Plibersek after she had made her decision. I certainly communicated that to my Federal colleagues and, indeed, to some of my State colleagues in other jurisdictions when we recently met in Perth. I told them about the importance of the project and also about the importance to the industry of the planning approvals process.

In the aftermath of the decision, I have engaged closely with industry in my capacity as Minister for National Resources. I met with the CEO of Regis Resources on 27 August. He made very clear to me that it is not a simple process to find an alternative site for a tailings dam, and that has been communicated publicly. There are deep complexities. To be fair to the company, it has said that it wants to go through that robust process and it does not want to take any short cuts, but that will take some time. In progressing the project we will go through the process, but a robust regulatory process remains in place.

I am advised that the Department of Planning, Housing and Infrastructure assessment and the IPC determination included consideration of both tangible and intangible Aboriginal cultural heritage values associated with the project in line with the relevant legislation and guidelines, including consultation with the community, Aboriginal stakeholders and NSW Environment and Heritage. The Regis Resources Aboriginal cultural heritage assessments for the project were prepared in consultation with Aboriginal stakeholders, following the New South Wales Government's Aboriginal heritage consultation requirements for proponents.

The IPC's public hearing process included comprehensive discussion and consideration of Aboriginal cultural heritage values from several registered Aboriginal parties, including the Orange Local Aboriginal Land Council. I made the point that large parts of this assessment occurred under the previous Government. In advance of contributions from members opposite, I note that the IPC received more than 1,000 public submissions. It held a public hearing at the Blayney Shire Community Centre in early February 2023. It is true: that was before we came to government.

The Government is, in a careful and considered way, supporting the project because it has gone through the process. I call on members opposite to do the same. This matter of public importance motion specifically calls out the issue of tailings dams. I note that the environmental impact statement prepared by Regis Resources included a tailings storage facility, a tailings dam risk assessment, a feasibility study, a technical design review and a peer review of the amended design. The assessment by the Department of Planning, Housing and Infrastructure of the project noted that the feasibility study was prepared in accordance with the relevant guidelines and policies for Dams Safety NSW, the Australian National Committee on Large Dams and the New South Wales environment protection requirements for linear design. I explain that again because it is not a simple process to find an alternative site for a tailings dam.

As I have said previously, the Government will engage with the company as it goes through that process in order to assist it to locate, in accordance with those robust planning processes, an alternative site for the dam. We are focused on practical solutions. The Government wants to support this project in the context of a very robust planning system. We want to be able to unlock the opportunities for investment and jobs for our local communities, particularly across regional New South Wales. Goldmining has a long and colourful history in this State. I was at Northparkes a couple of weeks ago to celebrate 30 years of that mine and the 335 direct jobs it supports in that part of the world. Goldmining also has a very bright future. Last week I was in Cobar to open the new Federation mine, which will support 140 new jobs with \$143 million worth of investment. The Government has a responsibility to make sure that it is possible to unlock the amazing reserves that we have been endowed with in a safe, careful and considered way, with a clear process to enable that investment.

We want to find the gold, copper, silver, scandium and molybdenum—the opportunities that we have for our clean energy future. We need those metals for our electric vehicles, our solar panels and our batteries. We want to produce more of those in New South Wales, where we can protect our environmental standards, our cultural heritage standards and our standards for workers. There is an ever-growing demand for those products. We can do it safely and carefully in New South Wales while supporting local jobs, local communities and local investment. That is what is driving the Government's approach and why it is committed to finding practical solutions. Ultimately, the next steps are a decision for the company, but this entire Government, including the Premier and the Premier's Department, stands ready to partner with the company to unlock this investment and these jobs, and to support local communities as we build a better future for New South Wales.

**The Hon. SAM FARRAWAY (10:54):** I contribute to debate on the matter of public importance motion. I start by acknowledging the Minister for Natural Resources. That was a better performance, and it was good to hear the Government's position. However, it is all well and good that everyone has expressed disappointment. Yes, this process has been going for many years. The reality of what has happened with the McPhillamys goldmine project in Blayney is that a contested cultural claim has been used to deal with a concern about environmental

issues with the tailings dam. Quite frankly, it is the process that stinks. It damages investor confidence in this country. Every boardroom around the globe will be considering what a section 10—

**The Hon. Wes Fang:** Point of order: I ask that the clock to be stopped. The Greens—

**The Hon. Penny Sharpe:** Sorry, the stopping of the clock is a matter for the President.

**The Hon. Wes Fang:** I have asked the President to stop the clock.

**The PRESIDENT:** Order! I have indicated that the clock will be stopped. What is the member's point of order?

**The Hon. Wes Fang:** The interjections from The Greens members are increasingly loud and designed to try to put speakers off and also waste time. The other two contributions were heard in silence. I ask that members, having listened to those contributions, also listen to the Hon. Sam Faraway and cease their petty interjecting.

**The PRESIDENT:** The word "petty" was unnecessary in an otherwise valid point of order. I uphold the point of order. This is an issue of significant concern to many members in this House on all sides of the discussion. Members will be heard in silence. The Hon. Sam Faraway has the call.

**The Hon. SAM FARRAWAY:** Investor confidence is significantly damaged by this decision. Whether one likes mining or not, we need a process that is at arm's length from government. That is why we have the Independent Planning Commission. It does not matter who sits on the Government benches; we have that process, which is at arm's length from government, so that community members can raise their often legitimate concerns, whether they be environmental, cultural or about the impact, benefit or consequence of any development, especially a State significant development. This project, like lots of other mining projects, has been through that process.

I have listened to the incredibly one-sided view of The Greens. Their issue is not necessarily with the project, but more with the process. The reality is that The Greens are in coalition with the Labor Party. The Labor Party cannot do anything in this place without The Greens. Why do The Greens not actually have a conversation with the Government and reform the process? If they do not like the process, if they do not think that the process works, they should do something about it. Instead, they have their pursuits. They say in this Chamber that they have been to Blayney. I accept that Ms Cate Faehrmann has been to Blayney. She is one of the few people who has. When one goes to Blayney, one needs to talk to more than a handful of people. One needs to talk to hundreds of people to understand how the majority of the community feels about this. Quite frankly, they have been left in complete limbo. Even recently, Blayney Shire Council—

**The PRESIDENT:** Order! There is too much audible conversation in the Chamber. The Hon. Sam Faraway has the call.

**The Hon. SAM FARRAWAY:** Blayney Shire Council has said that Dungeon Road has now become collateral damage in this declaration. It is a public road that apparently can no longer be used. A car rally had to be cancelled because the road could not be used. Legal counsel sought by Blayney Shire Council said that they probably cannot even maintain that road. I know a bit about roads. If one cannot maintain a road, at some point one has to close the road. Those are the consequences that are now being felt in the community, in addition to the community being left in limbo. Small businesses have borrowed money, have extended overdrafts, have had agreements with their banks to put their houses up as collateral to expand their businesses and to upskill their workforce to be ready for the economic prosperity and activity that was coming with this project.

This economic activity was coming from an approved project that the State and Federal agencies both gave the green tick of approval to after a rigid, robust and extensive environmental planning process. The reality is that The Greens do not like the outcome. They used the system for contested cultural claims to deal with an environmental issue. If they do not like the process, then they should do something about it. They are in coalition with the Labor Party. The Labor Party cannot do anything without them. If they want to change the planning system to add more environmental considerations, then they should do something about it. Instead, they support a decision that has been made by Tanya Plibersek, which has sent shock waves through investor confidence not only in Blayney, but also in the entire Central West, New South Wales and the whole country. This is bigger than Blayney now. This is of national significance.

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

*Questions Without Notice***RAIL, TRAIN AND BUS UNION INDUSTRIAL ACTION**

**The Hon. DAMIEN TUDEHOPE (11:00):** My question is directed to the Minister for Jobs and Tourism in his own capacity, and also in his capacity as the representative of the Minister for Transport. With interstate and New Zealand tourists arriving this weekend to watch their teams play in finals at the Sydney Cricket Ground on Friday evening, and at Allianz Stadium and Accor Stadium on Saturday, will the Minister guarantee that they will be able to get from their hotels to the game by public transport? Will extra trains be running, or will our visitors and local fans be held to ransom by the union thugs from the Rail, Tram and Bus Union?

**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) (11:01):** I thank the Leader of the Opposition for his question. What a weekend of football in Sydney! It is going to be quite incredible. It will be amazing to see thousands of fans and families out and about at the AFL match on Friday night, at the NRL final matches and the Bledisloe Cup out at Accor Stadium. For football fans, where else in the country would you want to be? In fact, with so many football codes, where else in the world would you want to be other than in Sydney this weekend? I welcome the fact that we have all of these events here. There will be some fantastic moments on the field. The Leader of the Opposition is right to ask about these issues.

The Minister for Transport has publicly been clear this morning that, over the course of the week, the Government and the Rail, Tram and Bus Union have been in good, constructive negotiations. That was made clear by the secretary of the union himself on radio this morning. Time has not run out on the negotiations; however, the Minister has taken the prudent step to alert the public to the fact that there may be some disruptions commencing this weekend. What else could she do, given that the negotiations have not concluded? She has done that this morning. It will mean some difficulties with travel, and commuters will need to allow more time as they move around. The Minister has been up-front about that. Thankfully, there are many travel options in Sydney. There will be services running, but there will be some disruptions. The Government will continue the discussions in good faith. I am encouraged by the comments this morning, but there is clearly some way to run.

**The Hon. DAMIEN TUDEHOPE (11:03):** I ask a supplementary question. Will the Minister elucidate the part of his answer where he said there were ongoing negotiations? What are those negotiations? How can the people of New South Wales be confident that those negotiations will give a satisfactory conclusion and ensure that transport facilities are running on potentially the most significant day in the Sydney sporting calendar?

**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) (11:03):** I can understand why the Leader of the Opposition is asking me, "What are these negotiations?" It is an unfamiliar term for the Opposition. Here is what it involves: When the phone rings, you answer the phone. That was not always the practice in the former Government. I updated the House yesterday, including running through the number of items in the log of claims.

**The Hon. Damien Tudehope:** Are you going to cave in on the 50¢ fare?

**The Hon. JOHN GRAHAM:** There is now familiarity with some of the elements of this on the Opposition's side of the table. The Minister has been clear talking about this in the media today, including about some things that it would not make sense for the Government to agree to. She has put that position forward publicly. She has also taken the prudent step to say that there may be disruptions this weekend. That is the responsible approach to take while negotiations are happening.

**DOMESTIC MANUFACTURING AND GOVERNMENT PROCUREMENT**

**The Hon. CAMERON MURPHY (11:05):** My question without notice is addressed to the Minister for Domestic Manufacturing and Government Procurement. Will the Minister update the House on the role that the Government can play in boosting local jobs and industries in New South Wales?

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:05):** I thank the honourable member for a really important question about a key initiative that this Government announced during the parliamentary break. There is no doubt that our Government is firmly committed to delivering more local jobs and investment. It is a great question to start our question time discussions on a Thursday. The New South Wales Government procures about \$42 billion of goods and services every year. We want local businesses to get a larger slice of that pie. We want to support local businesses and local workers with that investment. We know that, particularly in the manufacturing part of the economy, for every direct job that we have there are a further 3.5 created in the supply chain.



**The PRESIDENT:** Order!

**The Hon. COURTNEY HOUSSOS:** We want more of those jobs here, not over in Korea or Indonesia. We want them here. I made the announcement, alongside my ministerial colleagues Minister Chanthivong and Minister Whan, at GME, which is a fantastic local manufacturer in the heart of Western Sydney.

**The PRESIDENT:** Order! There are too many interjections from the Opposition.

**The Hon. COURTNEY HOUSSOS:** They have been manufacturing there since 1959. They are a fantastic family-owned business which cannot access government procurement dollars. Like so many of the businesses that I visit, they want to be able to access more of our government procurement dollars. They want to be able to have a level playing field. The announcement was in three parts. The first part was an "if not, why not" ministerial direction to the Procurement Board that for the first time said that, for contracts over \$7.5 million, the board would need to try to source a New South Wales supplier. The second part of the announcement was that we would legislate for the Jobs First Commission.

*[Opposition members interjected.]*

I can hear some commentary and some miserable mutterings from those opposite.

**The PRESIDENT:** Order! The Minister will resume her seat. I know that it is Thursday—

**The Hon. Natasha Maclaren-Jones:** She has been thinking that up for a while.

**The PRESIDENT:** Order! I call the Hon. Natasha Maclaren-Jones to order for the first time. I understand it is Thursday, but it is not acceptable, when a Minister is speaking, for there to be loud conversation amongst the entire Opposition front bench. It is not acceptable. The Minister will be heard in silence.

**The Hon. COURTNEY HOUSSOS:** This is an important announcement of legislation that will come before the Parliament to establish the Jobs First Commission, which will be the body charged with implementing, monitoring and enforcing our local content policies. I would encourage members opposite to support it. The third part of the announcement was that we are repealing the previous Government's ministerial direction, which was an ideologically motivated policy, that prohibited local content rules. We want local jobs. We want local investment. We want local content. The former Minister outlawed it, but we have changed that. We are allowing local content, and we are allowing local jobs.

### REGIONAL HEALTH SERVICES

**The Hon. SARAH MITCHELL (11:09):** My question is directed to the Minister for Regional New South Wales. Given Bureau of Health Information data released yesterday shows that 720 people a day did not start treatment on time in regional New South Wales hospitals, how does the Minister respond to community concerns that regional health services are failing under her watch?

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:09):** I thank the member for the question. The Government is focused on improving health services outcomes across both regional New South Wales and the whole State. The mess that we inherited from the previous Government and its lack of investment in our health system, particularly across our regional communities, is something we are still cleaning up. I note that the question was directed and sought to know how I am dealing with this. Of course, I am not the Minister for Health, but he is doing an incredible job to get the health system back on track again. It is a system that we inherited from the previous Government, which split the regional health system from the full health system but was still unable to achieve—

**The Hon. Emily Suvaal:** Point of order: As someone who cares deeply about regional health, I would like to hear the answer being given by the Minister. There are too many interjections from members on the other side of the Chamber, directly flouting your previous ruling, Mr President.

**The Hon. Natalie Ward:** To the point of order: The noise coming from the so-called "other side of the Chamber" was in response to provocation and incitement from the Minister. If the Minister wants to give an answer, we are happy to listen. But when there is incitement and blame we must correct the record.

**The Hon. Penny Sharpe:** To the point of order: There is no standing order in relation to provocation. Interjections are disorderly at all times, no matter who they come from. The Hon. Emily Suvaal has raised an important point of order. The request to be able to hear in the House is a reasonable one. The attempted debating point from the Hon. Natalie Ward that provocation somehow makes it okay to interject and be disorderly is simply incorrect. It should be ruled out of order.

**The PRESIDENT:** The Leader of the Government is obviously quite right: Interjections are disorderly at all times. That said, interjections have been known to come from the Leader of the Government and, in fact, the Government in its entirety, particularly when its members were in opposition. The Hon. Natalie Ward is quite correct to say that, as has always been the case in this place, there is some tiny leeway given when there is substantial provocation. However, I note that previously in question time the Hon. Courtney Houssos gave an answer that merely outlined the Government's point of view with no provocation at all, to which the entire Opposition loudly interjected.

**The Hon. Wes Fang:** I was silent!

**The PRESIDENT:** My apologies—with the exception of the Hon. Wes Fang. The Minister has the call.

**The Hon. TARA MORIARTY:** The Government inherited the regional health system from the previous Government. Again, the question has been directed to me in relation to what I am doing about it. I am not the Minister for Health, but he is doing an incredible job to improve the health system across regional New South Wales. I will give members some details about how.

The New South Wales Government is investing \$433 million to improve health facilities and services across regional areas, including Gunnedah, the Lower Mid North Coast Health Service Project, Moree and Muswellbrook. The redevelopments will create modern, fit-for-purpose facilities that support contemporary healthcare models for communities throughout the Hunter region. In the 2024-25 budget, funding was allocated for ongoing redevelopments, including \$53 million for Gunnedah, \$45 million for Muswellbrook Hospital and \$50 million for Glen Innes Hospital. It is great news for regional hospitals, which deserve the funding.

**The Hon. Mark Latham:** Point of order: From where I sit in the Chamber I have heard much more of the Deputy Leader of the Opposition's speech than the Minister's answer. It is an interesting enough speech, but I think in this circumstance it is the Minister's answer that I should be able to hear. Does this not confirm that when the Opposition adopts such tactics, Mr President, you need the power to suspend a member for one hour so that all Opposition members are on notice and the always well-behaved crossbench can hear?

**The PRESIDENT:** As I have made clear, for reasons of convention I give some extra liberty to the members sitting at the table. However, the Hon. Mark Latham is quite right: The Hon. Sarah Mitchell is going over the line. I direct her to pull back. The Minister has the call.

**The Hon. TARA MORIARTY:** As usual, when I am asked these questions by members of the Opposition they refuse to listen to the answer. I do not know what the point of question time is if they are going to refuse to listen to the answers to questions they ask. For the benefit of the House, I provide details of more good news of the work we are doing to improve health outcomes across regional New South Wales. Moree Hospital will have an additional \$25 million in funding, bringing the total spend there to \$105 million. The Lower Mid North Coast Health Service Project, Manning Hospital and Forster-Tuncurry will receive a total funding amount confirmed at \$180 million. That is significant investment in regional health care for the people of regional New South Wales under this Government's watch.

#### **MCPHILLAMYS GOLD PROJECT**

**The Hon. TANIA MIHAILUK (11:15):** My question is directed to the Leader of the Government. Has the Minister spoken directly to the Federal Minister for Environment and Water, Tanya Plibersek, with respect to McPhillamys goldmine and relayed the New South Wales Government's apparent concerns about the section 10 declaration?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:16):** I thank the honourable member for her question. It has become a bit of a thing, both in this Chamber and generally, to be asked whether the Government is having direct conversations with a range of people and the detail of those conversations. I have conversations with lots of people. I also have quite regular conversations with Federal Minister Tanya Plibersek on a range of issues.

I make clear to the House that I have absolutely no intention of sharing the content of conversations in relation to those matters. I talk to the Minister about a range of things, but I am not going to share with the House what those are. Suffice to say—and the member knows this—there was consultation in relation to the decision on McPhillamys. Advice was provided that noted the issues of the approval in relation to the Independent Planning Commission and the previous process that had gone through. Yes, I talk to Tanya Plibersek all the time about a range of issues, as members would imagine. I also talk to Chris Bowen, which is a shock to no-one.

**The Hon. Daniel Mookhey:** We talk to each other.

**The Hon. PENNY SHARPE:** We talk to each other. We quite like each other. We are actually working collaboratively on a range of issues. We have to work through some pretty tough issues on which we disagree. I know the Treasurer spends a lot of time talking to the Federal Treasurer about the GST and those kinds of things. Members might want to know that I occasionally talk to the Prime Minister as well. We do all of those things. We work collaboratively and will continue to do so. The issue the member asked about was canvassed at budget estimates, and I refer her to the answers I provided there.

**The Hon. TANIA MIHAILUK (11:18):** I ask a supplementary question. Will the Minister elucidate on whether she has had any correspondence with Minister Plibersek on this issue and whether she will table it?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:18):** I have said to the member that, yes, there was correspondence. This was all canvassed in budget estimates. I refer to the answers that I provided then.

### STREET EVENTS

**The Hon. Dr SARAH KAINE (11:18):** My question without notice is addressed to the Minister for Roads. Will the Minister inform the House of how the Government is slashing costs for street events across New South Wales?

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (11:18):** I thank the member for her question. When local councils and organisations host street events, they often foot a big bill. That bill gets passed straight on to the public, which has a big impact as we struggle with the cost of living. But here is the good news. Or, as the Leader of the Opposition might put it:

Calling out around the world.  
Are you ready for a brand new beat?

**The Hon. Sarah Mitchell:** I called it.

**The Hon. JOHN GRAHAM:** The Hon. Sarah Mitchell is on fire today. The Government is focused on making street events cheaper and more affordable. We have launched a new \$8 million reform program, working with 16 councils to cut the costs and complexities. I do not need to remind members that "summer's here and the time is right for dancing in the street".

**The Hon. Scott Farlow:** Come on, crank out a song!

**The Hon. JOHN GRAHAM:** Members have clearly never heard me sing if they are encouraging me. I am not here to make threats, but they do not want to press that. The Permit/Plug/Play program will enable councils to have pre-approved development applications and pre-approved transport management plans. If they hold the same event in the same street at the same time of year, why should they need to put in a new development application or transport management plan? In Canterbury-Bankstown, we will install meridian barriers, hostile vehicle mitigation and power outlets for stalls. In the City of Canada Bay there will be provisions for electricity and water along Rodd Road in Five Dock. In Wagga Wagga, a great idea is retractable bollards to close off and activate Baylis Street. Research shows that these events can boost foot traffic by 385 per cent and achieve a staggering 483 per cent rise in revenue for local businesses. This is common sense. I encourage members to examine the reform. There was a slightly larger street activation over the weekend. I congratulate the team from the Sydney Marathon on Sunday.

**The Hon. Rose Jackson:** What was your time, John?

**The Hon. JOHN GRAHAM:** It was nearly as bad as my singing. We are in the bid to join the world's marathon majors, along with London, Tokyo and New York. Some 25,000 people entered the race. With 840,000 people applying to run in London and 320,000 applying to run in Tokyo, if we make the grade, this will be big news for Sydney. One way to put it is this:

It's just an invitation across the nation,  
A chance for folks to meet.

The economic boost could be \$300 million a year. With this event and these cost-cutting reforms:

There'll be dancing the street.  
They're dancing in the street.  
Dancing in the street.

### GOVERNMENT PROCUREMENT AND SECURITY OPERATORS

**The Hon. ROD ROBERTS (11:22):** My question without notice is directed to Minister Houssos in her capacity as Minister for Domestic Manufacturing and Government Procurement. I refer to comments attributed

to the Minister in *The Sydney Morning Herald* on 1 September 2024 regarding the Government's plan to ban dealings with dodgy contractors. She is reported as saying, "This regime will make sure we are not engaging with bad apples." I congratulate the Minister and her Government on that. The Hon. Anthony D'Adam may want to listen to the rest of this question. How can the Government maintain that position when TAFE NSW currently has \$45 million in security contracts with Southern Cross Group, a company that was investigated by the NSW Police Force and fined in April 2021 for numerous breaches of the Security Industry Act 1997 during the hotel quarantine program? Despite that, its contracts were renewed and extended until July 2025. Notwithstanding all of that, as of 21 December 2021 Southern Cross Group is no longer on the Government's Integrated Security Contract list of approved suppliers. Is TAFE NSW engaging with bad apples?

**The PRESIDENT:** Before I call the Minister, I remind members that questions are limited to one minute. Members will observe that convention. The Minister has the call.

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:23):** I thank the Hon. Rod Roberts for his important question on government procurement and security operators. As I announced in my previous answer today, we are in the process of instituting a range of reforms in government procurement. Part of that is being done through the Procurement Board and establishing new processes. One of the announcements I made on 1 September, as the member said, was about a plan to ban dodgy operators and implement a debarment scheme. That is in direct response to a recommendation from the Independent Commission Against Corruption in its Operation Hector. Debarment schemes currently operate in other jurisdictions, but there has never been one in New South Wales. We have said that we will establish a debarment scheme for the first time.

There are existing provisions for individual agencies and departments to manage individual procurement contracts. I will come back to the member with a more substantive answer on the specifics of the question. The Government expects all of its suppliers to meet the highest ethical standards and behaviours. We will establish a debarment scheme because, under the Supplier Code of Conduct in place at the moment, there is only provision for an individual agency to terminate an individual contract or remove a supplier from the panel that they are operating within. We do not think that is a reasonable situation. If a supplier engages in a series of bad behaviour—and we will work through the specifics of what the threshold will be—then we believe that the whole of government should be able to say, "No, we're not going to engage with that supplier anymore."

That is not the case under the existing devolved procurement framework, where most procurement contracts are managed within individual agencies and departments. We think there is a role for the Procurement Board or the New South Wales Government as a whole to say, "No, that is not someone that the Government should be procuring from." If they have done something dodgy with a department, we should be able to say that we will not engage with them in any capacity. There needs to be a high threshold for that. Both Business NSW and Unions NSW were at our announcement that I spoke about earlier. There is broad community support for a better approach to procurement, and this is part of it.

#### RAIL, TRAM AND BUS UNION INDUSTRIAL ACTION

**The Hon. NATALIE WARD (11:26):** My question is directed to the Minister for Roads, representing the Minister for Transport. I note the refusal of the Rail, Tram and Bus Union [RTBU] to cooperate with the shutdown of the Bankstown to Sydenham line in preparation for its conversion to a metro line and its refusal to operate any trains on the whole T3 line if the closure goes ahead, affecting commuters from Cabramatta and Regents Park. Will the line close on 30 September as planned or is the RTBU now running the public transport system?

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (11:27):** I thank the shadow Minister for her question. The issues and attitude of the RTBU in relation to metro trains are well publicised. They are long-running issues; there is no secret about them. The former Government grappled with them. I thought we would have the support of the Opposition on the question of whether we will have the metro train on this line. I would expect the Opposition to straightforwardly back that in, not cast doubt on it. It is important that residents in this part of the city get access to a metro train as planned. The Government will not compromise on that. We will deliver a metro, and we expect the Opposition to back us. The Premier has been very generous in giving credit for the work of former Premiers involved in driving the project. It would also be fair to give credit to former Premiers like Morris Iemma, who pitched the idea early on. But the Premier has been generous in making that point about former Premiers.

**The Hon. Natalie Ward:** Point of order: I thank the Minister for the information he has provided so far, but he is straying from the question in talking about former Premiers—as fabulous as their work was. I ask that he be drawn back to the question of whether the line will close on 30 September as planned.

**The Hon. Daniel Mookhey:** To the point of order: Upon careful reflection on the totality of the member's question, one might realise that more than one question was asked. In fact, the member made a point at the end about who is running the transport system. Therefore, it is a very broad question. The Minister was staying within the bounds of the multiple questions that were pitched to him.

**The PRESIDENT:** I thank the Treasurer for his point of order and for pre-empting the ruling I was about to make. The question was not only as the Hon. Natalie Ward just represented it. She also asked whether the RTBU is now running the public transport system. The Minister is being directly relevant and advising the House who he thinks is running the public transport system.

**The Hon. JOHN GRAHAM:** Having made those points, this Government will not be compromising on building that metro, and it expects the support of the Opposition. I note the comments of the RTBU secretary on ABC Radio yesterday, which I think are informative for the House. Firstly, he said, "To the Government's credit, they have sat down with us and they are working through it in a very meticulous way." I would describe that as a moderate comment on the negotiation. The secretary also said, "They are not going to be bloody minded about the T3 conversion." That is a welcome position. I will put the Government's position: It is really important that the metro is built. Those communities expect it, particularly after the success of the metro through the city. I think it is the community's expectation that it gets built. That is why the Government will take that position.

**The Hon. NATALIE WARD (11:30):** I ask a supplementary question. I ask that the Minister elucidate that part of his answer that relates to his assurance that the Government is refusing to compromise on the metro conversion. That is pleasing to hear, but will the Minister confirm, in that refusal to compromise, that the cost of the delay is \$100 million per month? When does the Minister expect the shutdown to take place?

**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) (11:31):** I thank the member for her follow-up question. I cannot confirm those costs as I am representing the Minister on this. As usual, the shadow Minister is jumping slightly ahead of where the negotiations are up to. I am happy to take the question on notice and return to the House with some further detail for the member.

#### STATE CREDIT RATING

**The Hon. BOB NANVA (11:32):** My question is addressed to the Treasurer. Will the Treasurer update the House on any credit rating agency determinations New South Wales has received since he delivered the 2024-25 budget?

**The Hon. DANIEL MOOKHEY (Treasurer) (11:32):** I thank the member for his question. I always appreciate members taking an interest in the bond market and the commentary that is provided to it. It is a very important requirement for the State. I can update the House that New South Wales has maintained its triple-A credit rating with Moody's. This is, of course, good news for the State. But a fair rendering and sober reading of the Moody's report makes it clear that, while we are on the right path, we are nowhere near reaching our destination. As members will recall, I had made the point multiple times that the remaining triple-A credit ratings that had not already been lost by the previous Government were in great jeopardy because of the sharp acceleration in spending, particularly in the previous Government's last budget, when combined with the accumulated \$187 billion worth of debt that we inherited.

In addition to that, this year I have made the point that, given that so many of the triple-A metrics turn on the State's revenue, the loss of more than \$12 billion in GST revenue would almost certainly have seen us lose our triple-A credit rating. I said it would require something like a miracle for us to hold on to it. Whilst I am not claiming divine intervention from any of my gods, I point out that this result is reflective of the fact this Government is doing a lot of work to stabilise the State's finances and debt. It is important to note that Moody's says that its expectation is that the large and diverse economy of New South Wales will remain resilient despite slower growth and higher interest rates. Equally, Moody's makes the point that the economy has pressure, as everyone who is managing a household budget knows full well.

It reminds us why we have to take the State's finances seriously. We manage the State's finances responsibly so we can support households, regardless of where we are in the economic cycle. Right now households have done an immense amount to slay the inflation dragon. Mortgage holders and renters have done an amazing amount, in New South Wales more than in any other State. It is only fair and reasonable that the State Government does its part too. Once upon a time that principle had bipartisan consensus. I hope that the sobering reminder by Moody's gives us the opportunity to reaffirm that both sides have this responsibility, and both sides can use this report to guide the development of their policy thinking.

**The PRESIDENT:** I welcome to the gallery students from the Australian International Academy in Strathfield, who are participating in the Legal Studies and the Legislature program conducted by the Parliamentary Education and Engagement team.

### GOVERNMENT EXPENDITURE

**The Hon. JOHN RUDDICK (11:35):** My question is directed to the Treasurer. Three weeks after the election of the Hawke Government, Treasurer Paul Keating wrote to the Cabinet and urged a "substantial reduction in the Government's spending". Spending cuts rather than revenue increases would be required to do the heavy lifting. He said, "To achieve what is required we must be prepared to modify substantially and in some cases abolish programs we have inherited." Keating would go around his Cabinet room and berate Ministers who had not come up with spending cuts since the last Cabinet meeting. How many Government Ministers have come to the Treasurer's Cabinet meetings with reports of cutting waste? Is it the case, as I fear, that the Treasurer has overwhelmingly had requests for ever more taxpayer money to be spent on pet projects?

**The Hon. DANIEL MOOKHEY (Treasurer) (11:36):** I thank the member for his question. I have to say, it is rare that I am accused of going soft on waste when it comes to this Government. I want to be clear: When it comes to waste in government spending, my attitude is that I do not want to do it slowly. Equally, Ministers often accuse me of being a feral abacus. Certainly, no Minister has accused me of coming after them with a warm lettuce. When it comes to tackling waste, I am more than simply a shiver looking for a spine to run up.

The member asked me which Ministers have come forward with offsets and spending cuts to pay for additional spending. I can assure him that every single Minister has done that. Every single Minister has taken seriously the responsibility to treat every dollar of the public's money responsibly. Not one Minister has accused me, the finance Minister or the Expenditure Review Committee of being in any way relaxed when it comes to enforcing that principle. I challenge the member to name any Minister who says I go soft on them. He can name them under parliamentary privilege, and I will take appropriate action, I guarantee.

I am fortunate to be working in a collegial Cabinet that takes collective responsibility for its decisions. When it comes to this question, I am equal to anyone else in that Cabinet, bar one. We take pride in how we do that as a Cabinet. We work cooperatively. We do not leak about each other. We are not texting talkback shock jocks one thing while at the same time telling each other we support them all the way. Equally, that is the reason we have been able to close a \$7 billion black hole that we inherited in unfunded programs, redirect those resources to support families during this once-in-a-generation cost-of-living crisis, deliver the biggest pay rise the New South Wales public sector has received in more than a decade, and lower State debt by \$9 billion despite losing \$12.6 billion in GST funding. The Hon. John Ruddick does not need to take my word for it. I refer him to the report that I have just mentioned, recently issued by Moody's.

**The Hon. JOHN RUDDICK (11:39):** I ask a supplementary question. Will the Treasurer outline to the House the top three, in dollar terms, spending cuts that the Government has engaged in?

**The Hon. DANIEL MOOKHEY (Treasurer) (11:39):** Sure. Can I? From memory, in dollar terms, the first one that I can point to is the abolition of the Transport Asset Holding Entity. I thank the House for consenting to its abolition just this week. It was a unanimous decision. Members opposite voted for it, which I took as a sign of their repentance—finally—for having saddled the State with that monstrous entity. Its abolition has saved the State \$4.9 billion in avoidable spending. The second spending cut I am very pleased to tell the member about is the reduction in interest expenses that has taken place since we came to government.

**The Hon. John Ruddick:** It is not a program.

**The Hon. DANIEL MOOKHEY:** I hear the member's interjection that it is not a program. It is the fastest growing source of cost pressure on the New South Wales budget. When we came to the Treasury bench, it was rising 29 per cent each year. That is what we were inheriting. More money had to go towards paying our creditors, for Matt Kean's spending splurges, than we could invest in our essential services. I take pride in the fact that, by reducing the State's debt, we have reduced the interest expenses, and that we are spending that money on ensuring that families get cost-of-living relief, particularly when it comes to power prices, and that our essential workers are being paid more. I prefer paying our essential workers more rather than paying our creditors. The member asked me for the top three spending cuts. Why limit it to three? Nevertheless, he did ask. Thirdly, we are spending less money on consultants, thanks to the finance Minister, and less money on labour hire. [*Time expired.*]

**The Hon. MARK LATHAM (11:41):** I ask a second supplementary question. Will the Treasurer elaborate on his so-called claim to fiscal responsibility? Why is it that in the most recent budget—over \$100 billion in spending—there was not listed in the budget paper one single spending cut in the discretionary policy changes of the Government? Furthermore, how does the Treasurer explain the direct criticism by the Governor of the

Reserve Bank of Australia [RBA] that the reason for inflationary pressures in Australia and why the RBA cannot lower interest rates is because of the extraordinary debt and deficit in New South Wales, Victoria and Canberra?

**The Hon. DANIEL MOOKHEY (Treasurer) (11:42):** I thank the member for his second supplementary question. We should change the sessional orders to allow a third supplementary question so we can keep going on this point. The member asked me how I can explain what is in the budget papers. I think he is referring to the Measures Statement at appendix A5, and the adjustments to new policy measures known as Parameter and Technical Adjustments. I am sure the Hon. Mark Latham, who was a shadow Treasurer in another place, knows full well that that is an aggregate number, which picks up both additional spending and cuts. I know that the member reads the budget papers—the shadow Treasurer should take inspiration from him. As a student of the budget papers, the member will know that expense growth under my predecessor, in his one budget, was 25 per cent.

**The Hon. John Graham:** The record.

**The Hon. DANIEL MOOKHEY:** It is the record under any Treasurer, of any political persuasion, in any jurisdiction, since the 1970s. Average expense growth under this Government is 1.7 per cent, as stated in the budget papers. That is my response to the first part of the member's question. The second part of his question relates to comments made by the Governor of the RBA. The Government takes the RBA Governor's comments seriously. We respect the RBA's independence and value the insight that it provides to NSW Treasury about its economic forecasts. A careful reading of what the RBA Governor said makes it clear that, from her perspective, current State Government aggregate spending is, predominantly, a historically inherited position—at least when it comes to New South Wales. The RBA Governor is entitled to call out what she believes are the issues. But proper contextualisation of her comments, made to both the Senate and the House of Representatives Standing Committee on Economics, in Canberra, makes it clear that New South Wales is not the issue.

#### NORCO MILK

**The Hon. WES FANG (11:44):** My question is directed to the Minister for Agriculture. The decision of this Government to remove Norco milk from North Coast health facilities will have serious consequences, including potential job losses and reduced income, for the 191 farming families who rely on this Lismore-based cooperative. What is the Minister doing to advocate on behalf of these dairy farmers to ensure that this damaging decision is reversed?

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:44):** I thank the member for his question. Interestingly, it is another question that should be directed to the Minister for Health. This decision was made by the health department, but I am happy to engage—

**The PRESIDENT:** Order!

**The Hon. TARA MORIARTY:** I am trying to answer the question and, yet again, as happens every question time, members opposite just yell at me for minutes at a time. I really do not know what the point of it is. I am happy to engage on the topic. It is a question for the health Minister, but I am happy to engage—

**The Hon. Sarah Mitchell:** Point of order: The Minister is debating the question. As Minister for Agriculture, she was very clearly asked about the dairy farmers impacted by this decision. If that is not within her remit then, frankly, I do not know what is.

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

**The Hon. TARA MORIARTY:** I will come to the second part of the question. The first part of the question was about the decision that was made by the department of health in relation to the contracts. When we are talking about taxpayer funds, we need to ensure that appropriate processes are followed. When making decisions in relation to procurement and contractual arrangements, departments have to follow appropriate decision-making processes. The processes that were followed by the department of health are a matter for that department. In relation to the second part of the question, Norco is a fantastic community of producers in the Lismore and Northern Rivers region of the State. I have engaged with them a lot since I have been the Minister. In fact, I was part of their reopening. The Government provided a significant amount of money, post the Lismore floods, to support Norco to rebuild and reopen its local facilities. It was a wonderful occasion, joining with the Federal Government to reopen the Norco facility in Lismore.

Norco is a significant employer in the region. It was great to meet some of Norco's employees, who do a really terrific job producing milk products that are sold all around New South Wales, including in the region where I live. Norco products are stocked in plenty of supermarkets. I want Norco to be successful, because it is a fantastic regional New South Wales business. Broadly, as the agriculture Minister I work closely with the dairy industry.

I work closely with dairy farmers across the State to make sure that they have every opportunity to get their milk—the best milk in the world—to the best markets in New South Wales and around Australia. Dairy farmers will continue to be able to supply Norco to do that. Again, Norco products are fantastic and are stocked in supermarkets all around New South Wales. I encourage people to support this New South Wales business by purchasing its products. *[Time expired.]*

**The Hon. WES FANG (11:48):** I ask a supplementary question. Will the Minister elucidate that part of her answer relating to procurement for NSW Health? As agriculture Minister, will the Minister insist that the government procurement Minister's "if not, why not" strategy will be applied to Norco milk? Will the Minister sign the e-petition prepared by the member for Lismore relating to reversing the Norco milk decision—

**The Hon. Cameron Murphy:** Point of order: The member has asked a whole series of new questions—not just one new question, but a number of them—that did not relate to the original question in any meaningful way. The questions should be ruled out of order.

**The Hon. Chris Rath:** To the point of order: My understanding is that nothing prohibits a compound question. Questions often have multiple parts. I do not believe that there is a point of order of any note from the Hon. Cameron Murphy.

**The Hon. Penny Sharpe:** To the point of order: The question is asked; the Minister gives an answer. Supplementary questions ask for elucidation of the answer given by the Minister. This is not an issue of compound questions. The Hon. Wes Fang asked the Minister at least three, possibly four, distinct questions. If this matter is so important, the Opposition should have asked three or four questions about it earlier in question time. They clearly have not prioritised it because they did not put it at the top of the list. The point is that the Hon. Wes Fang's question is not a supplementary question; or, if it is, there should be one of them.

**The Hon. Scott Farlow:** To the point of order: The Hon. Wes Fang directly referenced the comments of the Minister with respect to the procurement policy that was being applied by NSW Health and sought further elucidation of whether the program previously referred to by the Minister for Finance would be captured as part of that. This is, in fact, the standard-bearer of a supplementary question in seeking further elucidation of the Minister's answer.

**The PRESIDENT:** Order! There are two fundamental issues. Firstly, what is a supplementary question? Did the Hon. Wes Fang ask a new question—or new questions? In previous rulings I have made it very clear that I will allow some significant latitude for supplementary questions. I do not believe that the member overstepped the mark on this occasion, although he went quite close. Secondly, and much more interesting intellectually, is the concept of a compound question valid? I think it is, but the components should have some type of relationship with each other. I note that the copy of the question I have in front of me has only one question. Clearly, the Hon. Wes Fang determined that he would add a few more. On this occasion, I will let them stand, but if there are to be compound questions, the component parts need to be relevant to each other. The Minister has the call.

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:52):** I thank the Hon. Wes Fang for the question. Forgive me if I stray because I genuinely cannot remember all of it.

**The Hon. Wes Fang:** I'll help you.

**The Hon. TARA MORIARTY:** I am sure you will. It is important to point out, as part of my answer, that the contract was given to a dairy and drinks subsidiary of the Bega Group, which is also a very significant business and supplier of dairy products in regional New South Wales. That is good news for regional New South Wales. In relation to Norco, I am certainly personally very supportive of Norco as a very successful and prominent business in New South Wales, particularly northern New South Wales. I encourage people to support Norco's fantastic products. The Government has provided significant investment and support for this fantastic company to rebuild in Lismore post-floods. The business was devastated but will now be able to rebuild in a way that will help it to survive any further floods in that region and ensure long-term success into the future.

As the Minister for Agriculture, I regard that in itself as a significant support for dairy farmers across the region. To know that Norco can survive in the long term, regardless of what happens with natural disasters in that community, means that dairy farmers will be able to work with and supply that company well into the future. That is a significant level of support for dairy farmers being provided by this Government through the support for Norco. If people want to show support for New South Wales dairy farmers, as I do, I urge them to purchase New South Wales dairy products. *[Time expired.]*



**The PRESIDENT:** I acknowledge in the gallery a guest of the Hon. Mark Buttigieg. Kallista Pudun is an intern from the University of Technology Sydney currently working in the member's office. Kallista is very welcome here today.

### SOCIAL MEDIA

**The Hon. EMILY SUVAAL (11:54):** My question without notice is addressed to the Minister for Youth. Will the Minister update the House on what the New South Wales Government is doing to create a safer social media environment for all, especially for young people in New South Wales?

**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) (11:55):** I thank the Hon. Emily Suvaal for the question. Members will be familiar with the fact that there has been a really important national discussion, which New South Wales has been leading, about what the Premier has described—accurately, I think—as the massive, global, unregulated experiment on young people that is social media. The New South Wales Government has an interest in putting some guardrails on that engagement. This is a really important issue for young people. As the Minister for Youth, I am pleased to have been actively involved in that discussion to ensure that the voices of young people are heard in those conversations.

New South Wales, along with South Australia, has been leading the nation in exploring what options there might be to ensure we better protect the beautiful, growing adolescent minds of the young people in our lives from what can be, without question, some pretty damaging content that they are receiving in a very unregulated and unfiltered way online. This is all coming together on 10 October at the Social Media Summit. It will be an interesting two-day, two-State summit, the first of its kind. We are in Sydney on Thursday 10 October and then we are over in Adelaide on Friday 11 October, working with the South Australian Government to explore a range of questions that are on the tips of the tongues of parents right around the country. I emphasise that parents are our allies in these conversations. This is not a problem that the Government can solve alone, but it is also not fair to ask parents to confront this problem alone.

As a parent of a 12-year-old, I know it is really difficult sitting around kitchen tables and talking to young people about what is safe and whether it is safe online, and doing so without the guardrails that government can provide. One of those guardrails that is up for discussion is the question of age access to social media and whether the current arrangements—which, as I said, are run entirely by the tech companies, who have a pretty clear commercial interest in continuing the current arrangements—should be under review and discussion. That is on the table. Also on the table is what are our expectations in relation to the regulation of content; the way that the algorithms work; and the content that is being spewed up to young people, whether they are 13, 14, 15, 16 or 17. That content may be about eating disorders—and I thank the Hon. Emily Suvaal for some of her contributions—it may be about misogyny and treatment of women, and it may be about extremism.

All of those discussions will be on the table at the Social Media Summit. We have had over 20,000 contributions to the Have Your Say survey. A youth reference group has been established to make sure their voices are being heard. This conversation will continue, but New South Wales will continue to lead.

### NATIONAL WATER AGREEMENT

**The Hon. MARK BANASIAK (11:58):** My question is directed to the Minister for Water. The proposed National Water Agreement consultation finished yesterday. With over 300 principles, New South Wales' signature would impose, from the Commonwealth, a major overhaul of the current system of water management in New South Wales. The Shooters, Fishers and Farmers Party's concerns initially relate to the significant risk that some of the principles pose to the property rights of New South Wales water holders. Will the Minister guarantee that any agreement by the New South Wales Government to the final form of the National Water Agreement will not erode any property rights of water holders?

**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) (11:58):** I thank the Hon. Mark Banasiak for his question. I am familiar with some of the concerns he raised. I have seen media coverage of similar concerns being raised by representatives of farmers and irrigators in New South Wales. I take those concerns very seriously. I am pleased to let him know that recently I had a meeting with the president and chief executive of the National Irrigators' Council about this exact issue. I let the Hon. Mark Banasiak know that because I want him to know that I am engaged with stakeholders who have raised those concerns.

I assure him that New South Wales has not made any specific commitments in relation to the new National Water Agreement, other than the fact that it needs to be updated. It is more than 20 years old, and members would know that a lot has changed in the past 20 years, particularly when it comes to our understanding of how climate change will impact our precious water resources. It is time for a refresh and an update, and the Government is

engaged in that work. But I assure the Hon. Mark Banasiak there will be no agreement or sign-off from New South Wales without clear consultation with affected groups.

Under the agreement, New South Wales will be responsible for its own State-based action plan. Even though the principles are agreed and consulted on nationally, the action plan is a State plan. We will have a lot more ownership and control about how that agreement plays out in our State. Of course, the State action plan will also be the subject of considerable consultation. I thank the member for raising those concerns. I know they are genuine, and I have heard them from stakeholders. I assure him that there will be further consultation and there will not be any agreement by New South Wales to principles that are not consistent with what we consider to be the interests of our State. But it is time for a refresh of the National Water Agreement, and we look forward to continuing that work.

**The Hon. MARK BANASIAK (12:00):** I ask a supplementary question. The Minister made reference to some of the work that she is doing. Will that work include a regulatory and legislative impact study on those 300 principles?

**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) (12:00):** I will have to take on notice whether Government members have specifically committed to doing a regulatory and legislative impact statement on those principles. As I said, we are certainly very engaged in the conversation about the impact of those principles in New South Wales. I will take that specific part of the question on notice and give the Hon. Mark Banasiak some more information about how we are assessing the impacts of the draft principles on New South Wales.

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

#### *Supplementary Questions for Written Answers*

#### **RAIL, TRAM AND BUS UNION INDUSTRIAL ACTION**

**The Hon. NATALIE WARD (12:01):** My supplementary question for written answer is directed to the Minister for Roads, representing the Minister for Transport. When will the Sydenham to Bankstown line close? What is the cost per month of any delay to the closure of the Sydenham to Bankstown line for the purpose of conversion to the metro? If the closure does not happen on 30 September 2024, what contractual payments will need to be paid to the bus drivers contracted to commence work driving substitute buses from 30 September 2024?

#### **MCPHILLAMYS GOLD PROJECT**

**The Hon. TANIA MIHAILUK (12:02):** My supplementary question for written answer is directed to the Minister for Heritage. Will the Minister provide a list of correspondence between her and Minister Plibersek over the past 18 months relating to the McPhillamys goldmine and the section 10 heritage order?

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

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

**The Hon. ROD ROBERTS:** I move:

That the House take note of answers to questions.

#### **GOVERNMENT PROCUREMENT AND SECURITY OPERATORS**

**The Hon. ROD ROBERTS (12:03):** I take note of the answer provided by the Hon. Courtney Houssos to my question without notice, which related to what appears to be wilful blindness on the part of TAFE NSW in how it manages high-value security contracts. That blindness is at complete odds with the Government's public stance of not wanting to do business with bad apples. The apple I spoke of in my question was Southern Cross Group Services, a security services company that holds \$45 million worth of security contracts with TAFE NSW—\$45 million of public money. In 2019 a tender was issued by TAFE NSW for security services, and the contract was awarded to Southern Cross Group Services. In the same year, the company was involved in a Supreme Court battle with the Chief Commissioner of State Revenue over the matter of \$1.6 million in unpaid payroll tax.

Southern Cross Group Services was then embroiled in a subcontracting scandal during the New South Wales hotel quarantine program. Following an order for papers by the Hon. Anthony D'Adam in February 2021 and a New South Wales police investigation, Southern Cross Group Services was fined in April 2021 for numerous breaches of the Security Industry Act 1997. Police documents reveal that the investigation was protracted due to a lack of cooperation by several witnesses, including the Southern Cross Group Services chief operating officer,

Scott Taylor. Southern Cross Group Services was then removed from the Government's integrated security contract list of approved suppliers, published in December 2021. Despite all that, Southern Cross Group Services kept its contracts with TAFE and even renewed and extended them for a further four years. That was hidden from the public, though, as the eTendering website showed that TAFE NSW had awarded contracts to a provider named as—wait for it—TAFE NSW.

I queried that in question on notice No. 2628 on 5 August. The website metadata then showed that the eTendering website was updated at lunchtime the following day to reveal what I already knew to be true: that Southern Cross Group Services was indeed the contracted supplier to TAFE. Was that a simple administrative error or something else? I will leave that to others to judge. In particular, the Minister herself may make inquiries. Either way, it is clear that a security services company with a less-than-clean record, which is no longer an approved government supplier, has secured and extended multimillion-dollar contracts with the Government. While I recognise that much of that happened under the previous Government, I will be watching keenly to see whether the current Government will follow the direction of the Minister for Finance to ensure that, in the Minister's words, "we are not engaging with bad apples".

## **MCPHILLAMYS GOLD PROJECT**

### **NORCO MILK**

**The Hon. SAM FARRAWAY (12:05):** I take note of answers given. Unfortunately, lots of questions were asked by the Opposition and the crossbench, but not many answers were given. I take note of the lack of answers given by the Leader of the Government, the Hon. Penny Sharpe. When asked legitimate questions about her interactions with her Federal counterpart on the McPhillamys goldmine, an issue that is playing out nationally, the best answer this House could get was, "I'm not telling you what I say to Tanya Plibersek and, quite frankly, this was dealt with in budget estimates hearings and should not be asked in question time." I am sorry, but as Leader of the Government in this place, with such a significant issue unfolding in this State—particularly in the Central West—her job is to turn up and answer the questions.

We saw a similar theme from the Minister for Agriculture. Norco has experienced extreme weather events in the Northern Rivers and received support from both the former Coalition Government and the current Government. But there is not much point supporting businesses if the Government is not following the processes it put in place to support them. There is a lot of merit in supporting regional businesses and making sure we have local content, but the Government has to follow up to make sure that those businesses are supported. When asked about impacted dairy farmers who supply milk to Norco, which supplies milk through NSW Health, the best we could get was "Ask the health Minister." The Minister for Agriculture, and Minister for Regional New South Wales, who represents dairy farmers in this State, has to front up and answer questions about dairy farmers, milk production and support for regional New South Wales.

Quite frankly, it is incredibly disrespectful to dairy farmers and people in the Northern Rivers that the best answer she could come up with was "Ask the health Minister". In her answer, the Minister for Agriculture should have supported the petition from the member for Lismore. I have been engaged in the Norco debate, and I think it is a good one. It should have had bipartisan support in the public interest debate in the other place, but it did not. The member for Heathcote—who probably does not even know where Lismore is, quite frankly—moved an amendment that the member for Lismore clearly was not aware of. The member for Lismore was absent during the division. I have a great deal of respect for the member for Lismore; she is a real fighter. Clearly, everyone should back her petition. [*Time expired.*]

## **GOVERNMENT PROCUREMENT AND SECURITY OPERATORS**

### **NORCO MILK**

**The Hon. Dr SARAH KAINE (12:08):** I take note of answers given today by various members about government procurement. I note the comments of the Hon. Sam Faraway about Norco and those of the Hon. Rod Roberts about Southern Cross Security Group and the NSW TAFE contract. I particularly want to draw attention to the answers and efforts by the Minister for Domestic Manufacturing and Government Procurement and also to the findings and recommendations of the interim procurement report that was tabled by the Standing Committee on Social Issues on 21 June this year. Finding 4 of the report stated, "The current approach to government procurement in New South Wales"—which this Government inherited—"is not effective in ensuring that government procurement objectives are met and a new approach is warranted."

As is evident in the two cases mentioned today by the Hon. Rod Roberts and others, great deficiencies exist in the current system, including problems with the devolved model. That model resulted in situations such as Southern Cross Security Group and Norco because decisions were taken by those particular agencies in those

particular areas. That is what the Minister for Agriculture was referring to when she said that those questions are better addressed by those particular agencies and actors because that is the system that we inherited.

One of the other problems I have with contracting is that there has not been an appropriate level of post-award compliance. I have raised the issue before in regard to a number of multimillion-dollar contracts that were awarded under the previous Government. Once they were awarded, there was not enough follow-up to ensure that all the undertakings given during the tendering process were delivered. To address that issue, another of the recommendations in the committee report is that the NSW Procurement Board develop an independent and robust compliance and enforcement mechanism that allows the Government to make sure that when an organisation is contracted it delivers in accordance with all of the laws that it should be adhering to. The debarment process announced by the Minister to clear our procurement process and services of bad actors is a good example of what this Government can do better to make sure that organisations paid by the New South Wales taxpayers behave in an appropriate way.

### **MCPHILLAMYS GOLD PROJECT**

**The Hon. TANIA MIHAILUK (12:12):** I take note of the answer given today on the question that I put to the Leader of the Government and Minister for Heritage in relation to McPhillamys goldmine and the section 10 heritage order that was placed by the Federal Minister. The Minister was reluctant to answer my question in relation to any specific conversations or consultations that took place between her and Minister Plibersek. I specifically wanted to know whether she had relayed the apparent concerns of the New South Wales Government in relation to the section 10 order. We have heard from the Premier and the Treasurer and both have relayed their concerns publicly through the budget estimates hearings, but the Minister for Heritage, the Hon. Penny Sharpe, has yet to make her real disappointment clear. I would like to know whether she has directly spoken with Minister Plibersek. There is nothing wrong with asking.

Minister Plibersek has already provided an explanatory statement to the Federal Parliament in response to a production of documents in which she made it clear that she did consult with the Hon. Penny Sharpe. The public deserves to know precisely what was involved with that consultation: when it took place, what was discussed and whether the Hon. Penny Sharpe did indeed raise any concerns about a section 10 protection order. To date, the Minister has been unwilling to respond to that and has avoided answering the question—she certainly avoided it during budget estimates. She told me and advised in budget estimates that there was some correspondence between her and the Minister. I have asked for it to be tabled and to be provided publicly.

I am not going to stop asking the Minister these questions. The idea that she can say that they have conversations all the time but they are not going to divulge these conversations is not good enough. It is a huge project. It meant a lot for the people of the Central West and it means a lot for the people of New South Wales, given the State is about to lose \$200 million in royalties. We have heard directly from the Treasurer and the Premier, who both indicated their disappointment. I would like to know whether the Minister that has responsibility for heritage and the environment in New South Wales, and is the Leader of the Government representing the Premier in this House, has actually relayed those concerns to her good friend Minister Plibersek. We know that they have been friends for a long time, but she has a duty to this House and this State to ensure that those conversations and any correspondence between them is made public for perusal.

### **RAIL, TRAM AND BUS UNION INDUSTRIAL ACTION**

**The Hon. CHRIS RATH (12:15):** I take note of answers given today by the Hon. John Graham, in particular relating to the Rail, Tram And Bus Union [RTBU], the Sydney metro and other related issues. People are rightly concerned about industrial action on our rail system this weekend with the various finals at the Sydney Cricket Ground on Friday evening and at Allianz and Accor stadiums on Saturday. Whether someone is from Sydney, rural and regional New South Wales, interstate, New Zealand or another country, they want to know that the train that they get on is reliable and will actually get them to the game. Transport for NSW has just announced that alternative train service plans are being drawn up to help commuters to major events this weekend and will be announced later this week. The media release stated:

This industrial action could cause train services to be cancelled at short notice and impact the ability to respond to operational incidents on the rail network.

It further stated:

In addition, weekend rail services may operate at lower frequency and there may be impacts on planned track work and special event transport services.

I think people are rightly concerned about industrial action this weekend. Does the Government—the Labor Party—stand with those people that want to go and watch the finals, or does it stand with the RTBU and the

industrial action that is being planned? We know where we stand on this side of the House, but it would be good to know where the Government stands.

A related issue was raised by the Hon. Natalie Ward, again to Minister Graham, about the RTBU's refusal to cooperate with the shutdown of the Bankstown to Sydenham line in preparation for the conversion to a metro line and to operate any trains on the whole T3 line if the closure goes ahead. Again, does the Government stand with the RTBU, an affiliated union of the Labor Party that has given over \$400,000 in donations and affiliation fees to NSW Labor since 2018-19, and its sabotage of the T3 line? Or does it stand with commuters and the people of New South Wales? We need to know. When a party is getting that amount of money from the RTBU, I think we know the answer.

### STATE CREDIT RATING

**The Hon. CAMERON MURPHY (12:18):** I take note of the excellent answer given today by the Treasurer in relation to triple-A credit ratings. I say well done and congratulations. It is always good to retain something, particularly given this Government inherited a \$7 billion black hole from the former Liberal-Nationals Government. What was it? It was \$187 billion in gross debt, the highest amount ever passed from one government to another in this State's history. Despite all of those significant hurdles, I congratulate the Treasurer on getting the budget back into order and retaining that rating.

I think the Opposition has a really unhealthy obsession with ratings agencies. I put on record that the ratings agencies, despite what the Opposition thinks about them, are not really reliable. Those were the agencies that said subprime mortgages were a safe form of security, causing people all over the world to invest in them. Many of our councils in this State put their money into subprime mortgages and lost it in the global financial crisis. The ratings agencies have done nothing to apologise or to compensate people for the irresponsible action that they took in saying that those sorts of mortgages were safe. I think the ratings are completely unreliable as an indicator of a State's performance. There is no better way of showing that than through the fact that States like Queensland have a lower rating than New South Wales but get a better deal when they borrow money. It is absolutely appalling.

We need to look past the ratings agencies at better ways to establish the wellbeing of our economy. We need wellbeing economy measures. Let us look at the work of Dr Katherine Trebeck and others. Environmental measures, social cohesion and other things are much more reliable indicators of economic performance than some overseas-based ratings agency that misleads the public when it comes to things like subprime mortgages. Yet the Opposition has an unhealthy, irrational obsession with those agencies. It is great that we have retained the triple-A credit rating, but I do not think it is that meaningful in terms of the economic measurement of the State. [*Time expired.*]

### REGIONAL HEALTH SERVICES

#### NORCO MILK

**The Hon. SARAH MITCHELL (12:21):** I take note of answers given today by the Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales. I asked a question about the concerning Bureau of Health Information data that came out yesterday and showed a significant decrease in regional health services over the past 12 months. In particular, people are waiting longer for treatment in major regional hospitals than they were a year ago. The Minister began her answer by saying, "I'm not the health Minister. Don't ask me." The reality for the Minister for Regional New South Wales is that those of us who live outside Sydney expect that the Minister—whoever is in that role—will be a fierce advocate for all services in regional communities. Clearly, the necessary attention is not being paid to some of our regional communities.

It would be foreign for most people who live in Sydney, such as members on the other side of the House, to think one would go to a local hospital and a doctor would not be there. However, that is the lived reality for a lot of people in the regions. They have to wait to see a doctor—perhaps a locum doctor, or a GP on call who has to come in—and the triage takes time. We accept that. It is part of the way that we live. The concern with longer wait times is that people are not getting in to see health services and are losing faith in the hospital system. That is a real problem.

If we are trying to build regional communities but the data shows that the people who live there cannot access basic health services, it is a massive issue. The Minister for Regional New South Wales should be well across that and able to provide assurances to the community. That did not happen today. The Opposition will pursue these issues further. It is seriously problematic that the data shows that things have been going backwards in regional health services in the past 12 months under the Labor Government.

My colleague the Hon. Wes Fang asked the Minister a question about Norco, a significant cooperative that operates in the Northern Rivers. As the member said, almost 200 farming families rely on it. The fact that Norco

has lost its contract will undoubtedly have an impact on those businesses and livelihoods. It is a classic case of government getting in the way of itself. If it is not broken, do not fix it. The Norco contract was working very well. The community wanted it. The local dairy farmers were benefiting from it.

It is well and good for the Minister to talk about the great money that went into rebuilding the factory, although I think that was actually announced at the end of 2022, when the Coalition was in government. The former Liberal-Nationals Government provided a lot of support for the farming communities in the Northern Rivers after the floods. There are real, tangible things that the Government can do to ensure the contract continues. It needs to make sure that decision is reversed. The Opposition put that to the Minister for Health during the budget estimates hearings. We put that to the Minister for Agriculture today. It is now up to the Government to fix the problem.

### **RAIL, TRAM AND BUS UNION INDUSTRIAL ACTION**

**The Hon. MARK BUTTIGIEG (12:24):** I take note of answers to questions asked regarding the Rail, Tram and Bus Union industrial action, particularly the reference to members of that union as thugs by the Leader of the Opposition. As the Minister for Roads mentioned in his answer, those are the same "thugs" who said on ABC Radio this morning, "To the Government's credit, they have sat down with us and they are working through it in a very meticulous way." The Opposition refers to those people as thugs. The secretary of the union also said they are not going to be bloody minded about the T3 conversion.

I wonder whether members opposite actually understand how industrial law works in this country. If they do understand it, the implication is that they do not uphold it and they want to dismantle it. In our system, a lawfully registered union that represents and ballots its members can take what we call protected industrial action. One notifies one's employer, which in this case is Transport for NSW and the associated Minister, that one is going to take those actions. Australian Federal industrial law says that unions are allowed to do that to exercise leverage in the workplace to get outcomes for their members. That is exactly what the union is doing in accordance with Federal law.

Transport for NSW and the Minister for Transport, who are the employer, have an obligation to the people of New South Wales to balance the legal right to take protected industrial action with the interests of commuters and taxpayers, which is exactly they are doing. They are sitting down with the union and negotiating in good faith. They are making progress. There will inevitably be by-products of that legal process, which both sides of politics have hitherto recognised as the right way to solve industrial disputes. There will inevitably be fallout. Unfortunately, it will spill into this weekend. The Government finds that regrettable because it could have been avoided.

Nevertheless, the point is that both parties are participating in negotiations in good faith. They are working towards a resolution. There will be workarounds for this weekend. If Opposition members want to refer to union members as thugs for cheap political pointscore and do not believe in the industrial relations system, they should say in the State and Federal parliaments that they do not believe in the industrial relations system and intend to dismantle it after they get re-elected, if they ever do.

### **RAIL, TRAM AND BUS UNION INDUSTRIAL ACTION**

#### **STATE CREDIT RATING**

#### **SOCIAL MEDIA**

**The Hon. JACQUI MUNRO (12:27):** I take note of answers by several Ministers. I echo what the Hon. Christopher Rath said regarding the Hon. John Graham's answers about the Rail, Tram and Bus Union [RTBU]. The Hon. Mark Buttigieg mentioned that the union might have legal protections to work in favour of its members. However, the RTBU has gone far beyond its remit by trying to hold the people of New South Wales to ransom on its ideas of what Labor policy should be in this place. That is the reality we are facing.

We are facing delays and cancellations of trains on one of the biggest sporting and tourism weekends in Sydney because the RTBU wants to direct policy to this Government from its headquarters. That includes offering policy advice on 50¢ fares for trains. I am not sure what that has to do with the metro. The union is requesting safety and technical amendments, it seems, but it is not to do with the members at all. It is not to do with how train drivers work or how staff members will engage with the project. This is policy that is well outside the remit of the RTBU. It is a reflection of how this system works that this Labor Government is being held to ransom by yet another union demanding answers.

I also note the Treasurer's response about the budget. The unfortunate reality for the people of New South Wales is that they have to bear the brunt of this Government's poor policy decision-making, including a \$10 billion interest bill on the budget by the end of the forward estimates. The people of New South Wales are facing interest

repayments of perhaps \$3,000 per household each year under this Government. Under the previous Coalition Government the skies were rosy. Gross State product was increasing substantially. We were on the rise—but how do we fare today? Are we better off 18 months after Labor got elected? We are not. We are looking at a \$10 billion interest bill by 2028.

I also mention the Hon. Rose Jackson's answer regarding the Social Media Summit. While I generally agree with the proposals and the purpose of discussion, who will be involved in this summit? Will there be youth representatives? Will there be tech experts? I have been calling for an AI commissioner so we can be ahead of the curve. The Hon. Rose Jackson spoke about the fact that this unregulated experiment on the futures of kids had happened in New South Wales. We need to have technical experts, like an AI commissioner, to ensure we are ahead of the curve on all technology. [*Time expired.*]

### DOMESTIC MANUFACTURING AND GOVERNMENT PROCUREMENT

**The Hon. BOB NANVA (12:31):** I take note of the answers from the Minister for Domestic Manufacturing and Government Procurement in relation to the role of procurement in boosting local jobs. It has become clear that there has been a lost decade for leveraging purchasing power to achieve social, economic and environmental benefits for New South Wales. It is commonly known among our State's businesses, particularly small businesses, that the previous Government's procurement requirements concerning value for money invariably meant "lowest cost at all times". While that superficially makes sense, the lowest cost does not always deliver value for money. The previous Government did not have a framework within its procurement policies to consider the direct and indirect benefits to the economy from local procurement.

This is particularly the case when assessing awarding contracts to foreign corporations that might have had marginally lower up-front costs. We have seen a succession of cost blowouts, delays and defects with overseas-built rolling stock, trains, ferries and trams because of the preoccupation with getting the lowest up-front cost without regard to the downstream risks and costs involved. Even worse than that, the short-sighted approach has sacrificed local jobs, priced out many local small businesses, held back sovereign advanced manufacturing, stifled the stimulation of investment and set us behind in training young people in technologically driven specialised skills for the future. I am pleased that the Minister is taking steps to ensure, once and for all, that our \$46 billion of purchasing power is leveraged for the benefit of New South Wales.

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

### TAKE NOTE OF ANSWERS TO QUESTIONS

**The Hon. DANIEL MOOKHEY (Treasurer) (12:33):** The Government welcomes the scrutiny and accountability of the Executive afforded by question time in this House. We look forward to doing so again next week. I thank all members for their contributions to the take-note debate. I listened carefully to what members had to say, and I know that Ministers will take the comments on board. I thank members for the particular comments and reflections that relate to my portfolio. The Hon. Cameron Murphy was quite right to properly contextualise and balance the importance of the State's credit rating as one of the many considerations when preparing fiscal policy directed towards achieving the State's aims and goals. I take seriously his comments about the record and history.

I also appreciate the fact that the Hon. Jacqui Munro advanced her propositions in good faith. As always, she was very thoughtful and reflective. The Hon. Jacqui Munro ascribes the State debt as being the exclusive result of this Government's decisions. The honourable member is well and truly aware of the fact that the overwhelming majority of our \$187 billion debt was not incurred by us. We are taking reasonable steps to stabilise it at \$9 billion. However, I respect the sincerity of conviction on this matter from both the Hon. Jacqui Munro and the Hon. Chris Rath; they are consistent on this. They are right to raise this is an issue for future debate between the two sides of politics.

The difference here is that my side of politics is taking responsibility for our decisions, and the other side will have to do so at some point too. Since the Coalition has left Government it has committed itself to \$13 billion of new recurrent expenditure. I look forward to hearing how members opposite intend to pledge this new spending, cut the taxes they said they are going to cut and lower the State's debt. Let that debate continue in this place and in the other place, in the media and in the community. Let us make sure that the best ideas about how to manage the budget prevail.

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

**Motion agreed to.**

*Written Answers to Supplementary Questions***MONA VALE WEST SAFETY AUDIT**

In reply to **the Hon. NATALIE WARD** (17 September 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:

A road safety audit for Mona Vale Road West Western early works was done in August 2024 as part of the standard delivery process for road projects. The Western early works is an embankment that was built using material from the Mona Vale Road East project.

*Matter of Public Importance***MCPHILLAMYS GOLD PROJECT****Discussion resumed from an earlier hour.**

**The Hon. SAM FARRAWAY (12:36):** I will pick up where I left off before question time. I support that this issue is a matter of public importance; however, when I go through some of the themes discussed by the member who moved this discussion it is clear, yet again, that The Greens think they are experts on everything. Ms Cate Faehrmann said "it is quite perplexing" that there is national coverage on this. There is national coverage because the process stinks.

It is perplexing to people because the community of Blayney, in the Central West, has been left in complete limbo. Families expected hundreds of possible jobs to come from this. The State Government was going to reap \$200-plus million in realised royalties from this project. Small businesses upskilled their workforce. People borrowed against their houses and extended overdrafts to be ready to get new equipment and upgrade their venues, facilities and shopfronts. People are perplexed because they have been left in complete limbo. The community is shocked and gutted—and rightly so. People across the country are also perplexed as to how this could happen.

The Greens talk about solutions. Yes, we need solutions. The Government is talking about solutions. I acknowledge that the Minister for Natural Resources has met with Regis Resources, and it is good that she continues that dialogue. But The Greens do not come to this Chamber with any solutions. They are self-appointed experts on everything but bring no real, practical solutions. Members did not hear any real solutions in Ms Cate Faehrmann's contribution.

She said that now is the time to put facts on the table. I will put some facts on the table and talk about some of the consequences for the Blayney shire, particularly for Dungeon Road. An annual car rally has been cancelled because that road can no longer be used. Blayney Shire Council has sought legal advice as to whether it can even touch the road, drive on the road, re-sheet the road or grade the road. The reality is that it cannot maintain the road. If a road is not maintained, eventually it will deteriorate and need to be closed.

I seek leave to table the following documents:

- (1) Media statement by Mayor Scott Ferguson, Blayney Shire Council, entitled *Blayney Shire Council seeks amendment to section 10 declaration*, dated 13 September 2024.
- (2) Correspondence from Jim Beyer, Managing Director and Chief Executive Officer, Regis Resources Ltd to Ms Sue Higginson, MLC, Chair, Portfolio Committee No. 7 – Planning and Environment, entitled *Re: Correction to misinformation regarding McPhillamys Gold Project*, dated 18 September 2024.

**Leave granted.****Documents tabled.**

**The Hon. SAM FARRAWAY:** I table those documents for the public and to set the record straight. The reality is that 800 jobs are gone, with a community left in limbo. The Premier came out of the starting blocks pretty quickly. It was good to hear that he supported the mine. He said he was disappointed. He did go as far as to say he would explore expediting planning processes to support the mine. I would be very interested to see what that entails.

What is he actually talking about? I pushed the Minister for Natural Resources on the matter in budget estimates. I do not think that expediting Independent Planning Commission or planning processes will deliver any community comfort either. The reality is that there are only four sites identified for that tailings dam and three of those have been declared by Minister Plibersek under the section 10 order. That only leaves one other viable spot for the tailings dam, which means they will have to go back to the drawing board. It was identified throughout the



New South Wales planning and environmental processes that the fourth option was the least acceptable to the community. It would cause probably the most disruption to surrounding landholders, and the proponent would have to acquire the land. Members could still be talking about the McPhillamys gold project in Blayney in 10 years.

I will go one step further. No-one talks about the \$200 million in royalties that will not be realised from the project. The Government talked a big game about frontline services, more nurses, more hospitals and more police on our roads, which is good—but you have to pay for it. The Greens come into this place with no solution. They say we need solutions and facts on the table but offer no solutions. That \$200 million in royalties could have paid for a lot of nurses, a lot of hospital upgrades and a lot of police on the beat. *[Time expired.]*

**The ACTING PRESIDENT (The Hon. Peter Primrose):** Order! The Hon. Sam Faraway sought and was granted leave to table the documents, but does he wish to seek leave to publish them?

**The Hon. SAM FARAWAY:** Yes, I do.

**The ACTING PRESIDENT (The Hon. Peter Primrose):** Is leave granted?

**Leave granted.**

**The Hon. ROBERT BORSAK (12:41):** The McPhillamys Gold Project is indeed a matter of public importance. I speak about the utter confusion caused by the woke leftists and their political partners The Greens in matters as vital as Aboriginal land representation and the protection of cultural heritage. What we have seen with the McPhillamys goldmine decision is yet another example of how their meddling, their chardonnay socialism and their ideological posturing are doing more harm than good, not only for traditional owners but the future of New South Wales.

The case of the McPhillamys mine exposes a serious issue. Who is actually speaking for Aboriginal land? For years we have seen woke activists, usually disconnected from the communities they claim to support, pushing for more bureaucracy and red tape all while purposely confusing the real issues at hand. These are the same people who shout loudest about environmental protection and cultural sensitivity but end up entangling us in a web of contradictions that serves no-one except themselves and their self-righteous image and agenda.

The incompetence of the Federal social warrior Tanya Plibersek has been fully exposed, pitifully pitting Aboriginal group against Aboriginal group and, in this case, family against family. The Wiradyuri Traditional Owners Central West Aboriginal Corporation raised concerns about the mine project, believing it had the support of the Orange Local Aboriginal Land Council. It was blindsided when the council reversed its position, moving from opposition to neutrality. This has left us all wondering who really has the connection to the land and possesses the voice and the right to speak for it.

The confusion stems from the woke left and their green neo-Marxist acolytes, who pretend to be the champions of Aboriginal rights when all they are doing is overriding the rights of those who truly connect to the land. All The Greens really want to do is destroy capitalism, as admitted by one of their honourable members in this place yesterday. These groups support policies that weaken genuine consultation and empower the very bureaucracies that sideline the voices of real traditional owners. It is nothing more than hypocrisy. In taking this approach, we see what their real objectives are.

Members of The Greens, the so-called protectors of culture and the environment, are the biggest hypocrites in this debate. They love to preach from their ivory towers, sipping their chardonnay and virtue-signalling about protecting the earth and Aboriginal heritage. But when it comes down to practical, real-world issues, they are the first to abandon those they claim to defend. The Greens have an obsession with centralising power in bureaucratic structures, whether in land councils or through government overreach. In taking this approach, we see what their real objectives are.

Their objectives are not about social justice or the environment. They are nothing but social engineers working towards Lee Rhiannon's communist utopia, which was created in Russia in 1916 and failed when the hammer and sickle flag was finally lowered for the last time in Russia on 25 December 1991. What a great Christmas present to the people of the world that was. The Greens have learnt absolutely nothing from the failed communist experiment that they are trying to inflict on Australia by guile. Make no mistake, the confusion The Greens and their leftist allies bring to any debate is by design. This political chicanery thrives on chaos and muddying the waters of governance so they can push their agenda. Let us be honest, their dream is to drag New South Wales into a socialist quagmire akin to the failed State of Cuba, where bureaucrats and apparatchiks hold all the power. The voices of real people, who work the land and live in these communities, are drowned out.

The Greens are obviously thrilled with the broken system that caused the confusion and conflict between Aboriginal councils in the Central West and Orange regions and traditional owners in the Blayney area. They are

not interested in real, on-ground solutions. Instead, they hide behind bureaucratic processes, content with superficial gestures and symbolic posturing while the real needs of Aboriginal communities are left by the wayside and in the dirt. Honourable members, we must ask ourselves how it is The Greens and the woke left, with all their talk of compassion and justice, continue to push policies that disempower traditional owners and confuse the entire process of who speaks for the land. Put simply, they do not care about results. They care about maintaining their grip on power and appearing progressive, even if it means tearing down the structures that have allowed Aboriginal communities to manage their own land and heritage.

I have had representations in my office from several Aboriginal land councils who have come to us to express their frustration at not being able to do any development on their own lands to benefit their people, through housing projects, or exploit their lands as anyone else can and would do in New South Wales. All The Greens and woke left want is for all the land to be Indigenous protected areas, private reserves that provide few jobs, if any, and absolutely no social housing. The Greens deprive the very people they say they defend of the ability to extricate themselves from an intergenerational social and economic quagmire. They prefer to sentence them to a life of reliance on social welfare and government handouts rather than engaging in the New South Wales economy in fruitful ways. We cannot allow this State to fall into the same socialist trap experienced by Cuba or Venezuela, where government overreach stifles innovation, prosperity and, yes, even cultural heritage.

The Greens and their allies on the left would have us believe that more regulation, more government control and more so-called consultation with bureaucrats will somehow save the environment and protect Aboriginal heritage. The reality is that their vision would bring New South Wales to its knees. If we want to protect Aboriginal culture and heritage, we need to listen to the real traditional owners and not the bureaucrats empowered by a broken system. We need to ensure that consultation is genuine and that it reflects the voices of those with the deepest connection to the land.

We need to stand against the socialist agenda of The Greens and their woke allies, who would turn this State into a socialist wasteland. Aboriginal people deserve better. The people of New South Wales deserve better. We cannot allow the confusion caused by woke leftists to continue eroding our decision-making processes and cultural integrity. We have had enough of The Greens' dalliance in social chicanery. It is time for them to admit to what they really are: the New South Wales Communist Party. The Greens must stop pretending to oppose this mine and others on the basis of environmental and cultural impact. They are trying to limit jobs and capitalism and all the benefits it will bring to people, be they Indigenous or non-Indigenous, in the Blayney-Bathurst-Orange area or elsewhere in this State. It is a plain disgrace and it needs to be called out.

**Ms ABIGAIL BOYD (12:49):** I contribute briefly to the discussion. There was a lot in the contribution of the Hon. Robert Borsak that would be lovely to delve into. For all our parliamentary staff who were playing parliamentary bingo in their offices, there would have been a flurry of activity. We had the words "communism", "woke leftist" and "chardonnay".

**Ms Cate Faehrmann:** "Neo-Marxism".

**Ms ABIGAIL BOYD:** Yes, "neo-Marxism". It was fabulous. There will be a lot of activity in our offices. I am glad that the Hon. Robert Borsak was able to provide them with that gift, rather than being outside shooting lots of innocent animals. I endorse the comments of my colleague Ms Cate Faehrmann today, and those of all my colleagues yesterday, in relation to this issue. I will not cover the issues that they articulately detailed in relation to this proposed mine and the associated tailings dam. I will respond to some of the frankly absurd commentary associated with the decision to deny the location of the tailings dam.

The Liberal and Nationals parties and members of the conservative crossbench are screeching about how this decision is evidence of Labor somehow being a party of environmental activists. If only that were true. Labor continues to approve fossil fuel projects at a terrifying pace, and not a single coal or gas project has ever been denied on the basis of its carbon emissions and impact on climate change. The Coalition is in lockstep with the Minerals Council in trying to make political hay out of this decision, and Peter Dutton has made a suite of unholy deals with the Minerals Council and fossil fuel lobby in an attempt to secure their support. The Liberal Party has promised to remove pretty much any restrictions on mining companies, allowing them to destroy our environment and pour fuel on the fire of climate change.

Those opposite lament the loss of potential jobs due to this setback to one mining project. They claim to care about mine workers and workers in the regions. But this is self-serving spin, because the biggest, dirtiest deal the Liberal Party has made with the fossil fuel lobby and Minerals Council is its promise to wind back the hard-won industrial relations protections, including Same Job, Same Pay laws. Well may they say that they are fighting for workers in the regions, but make no mistake: They are using those workers as a convenient pawn, while selling them out in favour of the corporate interests of their billionaire owners and big business. Ripping up Same Job, Same Pay laws will see the wages of miners go down, their conditions eroded and workers pitted

against one another in a dangerous race to the bottom, with short-term contracts, degraded entitlements and no certainty of work. That is the future that the big business mining lobby is concocting with the Liberal Party.

The McPhillamys decision is being used as a convenient excuse for an all-out assault on our precious environmental and cultural heritage and industrial rights and regulations that have done so much to create a better, safer and more equitable world. Opponents of this decision need to reconsider their position and think long and hard about whether the grubby deals and sweaty donation dollars are really worth selling out First Nations people, workers, nature and the environment. It is shameful opportunism and it needs to be called out as such.

**The Hon. EMILY SUVAAL (12:53):** I make a brief contribution to the discussion. I state my support for miners and mine workers, and I thank them and their union—the mighty Mining and Energy Union—for the work they do. Regional jobs are extremely important, particularly in the Hunter, where I live, and in the Central West. When we ask families in the regions about their biggest concerns, cost of living is a big one. Housing is a big concern; jobs and job security are big concerns. People in regional areas are concerned for the security of their jobs—in particular, well-paying jobs. For hundreds of years, mining has been an industry in regional areas, particularly the Hunter, and those areas have extracted resources and supported their local economies.

In terms of The Greens' relentless attacks on the mining industries in the regions, those who work in those industries and the prosperity they create for regional communities, we always need to talk about these projects in a careful and considered way. Our Government has been entirely clear. I commend in particular my colleague the Minister for Natural Resources and, indeed, the Premier for his statements around this. We on this side are disappointed with the decision. We want this project. It is an important project for regional areas and communities. Ultimately, decisions about the location of the tailings dam are questions for the company itself. I understand that the Minister has reached out to the proponents. We will work with them to find a way to progress as quickly as possible.

Much has been said about the importance of this State's transition to renewable energy. Make no mistake that there is no transition without critical minerals and high-tech metals. These mines are crucial to the State's transition. A number of mines are already in operation in this State. The copper, silver and lead extracted from them are crucial to our State's economy and the success of our regions. In speaking to many in the communities, we have a rigorous and comprehensive approval process for new mines. We also have a rigorous and comprehensive monitoring process for existing mines. Some would say it is the most rigorous and comprehensive in the world. I thank miners again for the work they do in regional communities. It is important and at times dangerous work. We owe it to our regional communities to do all we can in this place to support them and their work.

**The Hon. JOHN RUDDICK (12:57):** I contribute to discussion on the matter of public importance moved by Ms Cate Faehrmann of The Greens. There is a case of cognitive dissonance here, because 95 per cent of what she said was that she opposes the mine at Blayney because of environmental concerns. But it was blocked by the Federal Minister for the environment not on environmental grounds but on Aboriginal heritage grounds. Regarding the environmental concerns, there is so much green tape in this State that, if the mine passed that, I can only assume that it is an environmentally acceptable mine.

What is really going on is that The Greens are exploiting Aboriginal issues to try to stop a mine on environmental grounds. The Libertarian Party is a pro-mining party. We believe in capitalism because it makes people happy and prosperous. I admire the leadership, passion and advocacy of the official Aboriginal adviser to the Orange Local Aboriginal Land Council, Mr Roy Ah-See, for his community and their advancement. I do not agree with Mr Ah-See on all his positions, but I can see his earnest determination for his community. Can we have silence, Mr Assistant President?

**The ASSISTANT PRESIDENT (The Hon. Peter Primrose):** Order! There is too much audible conversation in the Chamber. Members will take their conversations outside the Chamber.

**The Hon. JOHN RUDDICK:** Mr Roy Ah-See is the leader of the Aboriginal community in that area. He is a beloved figure, and he is absolutely in favour of the Regis Resources goldmine going ahead. The goldmine is worth many billions of dollars to the people of New South Wales, and much has already been invested. Gold is New South Wales' second most valuable export and will continue to be so. But this is about more than one mine. This is about New South Wales sending a message: How open are we to investment? How open are we to big mining? We should be a can-do State. We should be known around the world as a pro-mining State.

There was a significant piece of New South Wales legislation passed in 1983, namely the Aboriginal Land Rights Act. I would not have supported that Act because I do not believe in race-based laws. It established the Aboriginal Land Council network, which was supposed to take on certain responsibilities for Aboriginal communities, such as housing, heritage and other matters in New South Wales. The New South Wales community

has seen a true thumbing of the nose by the Federal environment Minister, Tanya Plibersek, to the Government of New South Wales, to the regional communities in and around Blayney, which need jobs, and to the Aboriginal Land Council, which is meant to be the statutory body to be consulted on matters of Aboriginal cultural heritage.

Libertarians advocate for States' rights. The section 10 decision by Minister Plibersek erodes the right of States to determine their own destiny. I welcome the comments by Premier Chris Minns and Minister Houssos this morning, slamming or at least opposing Minister Plibersek's decision as being the wrong call. They have advocated for the goldmine to go ahead. I am not a defender of the Aboriginal Land Rights Act, but I am an advocate for States against the Federal Government. The Federal Government has thrown out the Aboriginal Land Rights Act, and State legislation has undermined and disregarded it.

To add insult to injury, the Commonwealth has decided to go to the Wiradyuri Traditional Owners Central West Aboriginal Corporation. Roy Ah-See was born on a riverbank near Blayney. He has lived in the area all his life, and he is a natural leader. He says he has never met those people. He says that they are masquerading as Aboriginal cultural authorities for the area. I can only trust him. I believe him. There is no native title claim. There is no application for native title.

**Ms Cate Faehrmann:** Point of order: It looks as though a member standing at the door is possibly filming. She has been standing there for a couple of minutes with her phone up. I just want to check what that is about.

**The Hon. Tania Mihailuk:** I'm texting.

**Ms Cate Faehrmann:** It's a very strange place to just stand and text.

**The Hon. Tania Mihailuk:** Come and check. I am just texting.

**Ms Cate Faehrmann:** I will believe you.

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

**The Hon. Tania Mihailuk:** Why would I film this?

**Ms Cate Faehrmann:** You are standing in the doorway with your phone held up.

**The Hon. Tania Mihailuk:** I'm telling you that I'm not, so calm down.

**The ASSISTANT PRESIDENT (The Hon. Peter Primrose):** Order! The Hon. Tania Mihailuk has confirmed that she is not filming. I ask the Hon. John Ruddick to proceed.

**The Hon. JOHN RUDDICK:** The registered Aboriginal party in Orange is the Orange Aboriginal Land Council, not a questionable organisation like the so-called corporation. That obscure and secretive group has made a number of statements through its seeming spokesperson, Ngaire Reynolds, an alleged Wiradyuri Elder. Ngaire, an artist, has said that all water is sacred and that her ancestors are speaking to her and telling her that they are happy the goldmine is not going to go ahead. In an interview with *The Guardian*, Ngaire said, "I thought I can do work with everybody, and the ancestors said to stop this. As long it's been here, this little river—it's only a tiny river, but it's our river. Many dreaming stories follow its path, and no-one has the right to destroy this. The ancestors who are leaving will turn around and come back should this land be saved from the ravages of mining. I just hope that our ancestors and our old people will be proud of us."

In relation to the so-called Bathurst wars that went on for a few weeks, in which there were deaths on both sides, there are a lot of Aboriginal people across New South Wales and most, if not all, have some European ancestry. So if we want to make laws based on race, we would actually see that some ancestors of the Aboriginals of the Bathurst area today would have been on one side and some would have been on the other side. See how much of a mess we get ourselves into when we ascribe rights based on ancestry? Aboriginal Elders such as Roy Ah-See have described those fantasies as a mockery of Aboriginal culture, and he is right. He said, "This makes a mockery of my people, my old people that fought for rights in this country."

The most important thing Roy told us was "The biggest killer of my people isn't alcohol or drugs, but it is absolute poverty and welfare dependency, and I can speak from firsthand experience." Aboriginal community leaders like Roy want their people to prosper. They do not want to be bogged down in the past, and they do not want to be exploited for political agendas. He wants them to be free. He wants them to be self-sufficient. Big government paternalism is harmful to that community and only entrenches poverty. Minister Plibersek should tear down the section 10.

**Discussion adjourned.**

*Members***LEGISLATIVE COUNCIL VACANCY**

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

[*The Assistant President left the chair at 13:05.*]

*Joint Sitting***ELECTION OF A MEMBER OF THE LEGISLATIVE COUNCIL**

The two Houses met in the Legislative Council Chamber at 14:30 to elect a member of the Legislative Council in the place of the Hon. Bronnie Taylor.

**The PRESIDENT:** I declare the joint sitting open and call upon the Clerk of the Parliaments to read the message from the Governor convening the joint sitting.

**The Clerk of the Parliaments** read the message from the Governor convening the joint sitting.

**The PRESIDENT:** I am now prepared to receive proposals with regard to an eligible person to fill the vacant seat in the Legislative Council caused by the resignation of the Hon. Bronnie Taylor.

**Mr DUGALD SAUNDERS (Dubbo) (14:33):** I propose Mr Scott James Barrett as an eligible person to fill the vacant seat of the Hon. Bronnie Taylor in the Legislative Council, for which purpose this joint sitting was convened. I move that Mr Scott James Barrett be elected as a member of the Legislative Council to fill the seat in the Legislative Council previously vacated by the Hon. Bronnie Taylor. I indicate to the joint sitting that if Mr Scott James Barrett were a member of the Legislative Council he would not be disqualified from sitting or voting as such a member, and that he is a member of the same party—The Nationals—as the Hon. Bronnie Taylor was publicly recognised by as an endorsed candidate of that party and who publicly represented herself to be such a candidate at the time of her election at the thirteenth periodic Council election held on 25 March 2023. I further indicate that the person being proposed would be willing to hold the vacant place if chosen.

**The Hon. SARAH MITCHELL (14:34):** I second the motion.

**The PRESIDENT:** Does any other member desire to propose any other eligible person to fill the vacancy? As only one eligible person has been proposed and seconded, I hereby declare that Mr Scott James Barrett is elected as a member of the Legislative Council to fill the seat vacated by the Hon. Bronnie Taylor. I declare the joint sitting closed.

**The joint sitting closed at 14:34.**

[*The House resumed at 14:45.*]

*Members***ELECTION OF A MEMBER OF THE LEGISLATIVE COUNCIL**

**The PRESIDENT:** I announce that at a joint sitting of the two Houses held this day, Mr Scott James Barrett was elected to fill the vacant seat in the Legislative Council caused by the resignation of the Hon. Bronnie Taylor. I table the minutes of the proceedings of the joint sitting.

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

That the President inform Her Excellency the Governor that Mr Scott James Barrett has been elected to fill the vacant seat in the Legislative Council caused by the resignation of the Hon. Bronnie Taylor.

**Motion agreed to.**

*Documents***NSW POLICE FORCE MANAGEMENT AND ADMINISTRATION****Report of Independent Legal Arbiter**

**The PRESIDENT:** I announce receipt of the report of the Independent Legal Arbiter entitled *Disputed Claim of Privilege—Police Management and Administration*, dated 19 September 2024, together with submissions. The report is available for inspection by members of the Legislative Council only.

*Ministerial Statement***GOVERNMENT RESPONSE TO THE SPECIAL COMMISSION OF INQUIRY INTO LGBTIQ HATE CRIMES**

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (14:47):** My ministerial statement relates to the tabling today of the Government response to the Special Commission of Inquiry into LGBTIQ hate crimes. The special commission of inquiry was established in April 2022 to investigate the manner and cause of death in all unsolved suspected hate crimes in New South Wales that occurred between 1970 and 2010 when the victim was presumed to be a member of the lesbian, gay, bisexual, transgender, intersex and/or queer community. It has taken many decades to get to this point. I place on the record some information to recognise where we have come from and where we need to go to round out this very difficult part of our history—a part of history we need to confront.

Between 1970 and 2010 in our beautiful city of Sydney as well as other places in the State, gay men and some transgender people, in particular, were preyed upon. It is a very sad time in our history. There were people of this State who inflicted incredible violence on a particular group in our community. They literally hunted people down. People were violently assaulted and people were murdered. People were thrown off cliffs just near where we look out at both the north and south heads of this beautiful city. In that time when such violence was occurring to a targeted group in our community, our institutions failed those who died and the survivors of that violence. It has taken us this long to really work through those issues and now say that we will change and that things will be better.

Today I particularly recognise those whose lives were lost and I particularly recognise their families, their friends and their colleagues who spent decades fighting for justice—whispering, demanding, putting the case forward that their loved ones did not die as a result of misadventure. They died because they were murdered. The people who perpetrated those crimes should be held to account. The relatives should expect the institutions of this State to investigate so that there is justice for those who had such terrible things happen to them. As I said, I particularly recognise the family and friends who did that. I also recognise the large group of people who worked with the families and friends over a long period to convince those in the media, in this place and in the community more broadly that action needed to be taken and that those lives were not lost because of misadventure or suicide. As I said, they were lost because people deliberately harmed those—mostly—men.

I place on record my thanks to all of the organisations that have been involved in getting to this point today. It has been the work of very many, so it is a bit of a list; I hope members do not mind. I will get in trouble because of course I will forget people, but I recognise people such as Peter Rolfe, who is the convenor of Support after Murder. I recognise Steve Johnson, brother of Scott Johnson, who is known to many in this place. I also recognise former police officers Sue Thompson and Stephen Page, Coroner and Magistrate Jacqueline Milledge and people like Duncan McNab. I recognise the range of different organisations, lawyers and others who worked diligently over the past 10 to 15 years particularly to bring these issues to the attention of Parliament, including ACON and lawyers Dowson Turco and Nicholas Stewart. I will have forgotten people; I hope they forgive me for not mentioning all of them.

It takes a small group of dedicated people to continue to make noise when the issue is a long way from people's minds and is not a priority among all the other busy work that others are doing; but their quiet persistence has been really important. As I said this morning at one of the events, there are times when politicians get to the end of all of that quiet lobbying and that determination to do the right thing. People whisper in our ears and come into our offices and talk to us about the injustice that they have seen and their desire for change and for action from government and its agencies. I recognise that when that happened, people across this Parliament took up the challenge and said, "We will not turn away. We will put some time, effort and resources into doing that."

I particularly acknowledge the leaders at the time, Premier Gladys Berejiklian and Opposition leader Luke Foley, who agreed to set up the first inquiry in this place into gay and transgender hate crimes. I acknowledge the first members of the Legislative Council committee—the Hon. Shayne Mallard, the Hon. Greg Donnelly, the Hon. Trevor Khan, the Hon. Natalie Ward and Reverend the Hon. Fred Nile. I was also very fortunate to be on that committee. That committee then kept doing its work; it did not go away. It was a complex inquiry with a lot of evidence and information, and others then took up the challenge as it continued. I acknowledge the Hon. Daniel Mookhey, Ms Abigail Boyd, the Hon. Ben Franklin, the Hon. Rose Jackson, the Hon. Taylor Martin and the Hon. Mark Pearson, who continued on with that work.

As a result of that inquiry and its recommendations, the special commission of inquiry was established. I acknowledge the Hon. Mark Speakman, who was the Attorney General at the time, who decided to do that. These complex issues challenge our institutions and the way in which we respond to things like homophobia and

transphobia. But with the establishment of that commission, the work could be done and the resources could be applied to get to the 19 important recommendations that were tabled today.

I am extremely proud to be part of a government that has accepted them in full and will implement all of them. In fact, many of them are underway and some have already been completed. I acknowledge the leadership of the police Minister and the police commissioner. It is challenging to face strong criticism of one's agencies and address the issues that have arisen as a result of the inquiry. But being prepared to face that and apologise for it—as the Government has done, but I particularly note the NSW Police Force for its work in doing so—will bring on the change that we must have.

Today is an important day. It is probably the middle of the process. It has taken us way too long to accept that we turned a blind eye to the violence against LGBTIQ people in our State. We are determined to right that wrong and hold those who committed those crimes to account. We will investigate and hopefully make sure that the perpetrators who are still out there are held to account for what they have done. We will also do the work on our own institutions so that we all have the right to live free from violence, regardless of who we are, our gender or our sexuality. If violence is perpetrated against us, we all have the right to see the perpetrators held to account and to see the full force of justice, which is still not yet delivered.

I thank the police officers of Operation Atlas, who will do that important work. We have set up a specialised group of 25 police officers who are now pulling together all of the threads of what are sometimes decades-old crimes. They are doing that investigative work, working with new technology and looking after the exhibits that are there so that those living amongst us who have done the wrong thing will be found and prosecuted. They are also doing broader cultural work within the Police Force. As a member of Parliament over a long period, I have witnessed the dedicated work of the police officers who want change. They see their role and their service to the community as being for every single member of the community, and they want to do the best that they can. I particularly acknowledge them.

There is more work to be done. We will report to the Parliament and, as the Minister said today, we will be held accountable for the actions that we take. But today is a moment to remember the lives that have been lost and to make a commitment to the loved ones, families and friends of those affected that we will continue to pursue justice for them. We will also do what they have asked of us, which is to do better to recognise the value of every person in this State and their right to live freely in what is one of the most beautiful places in the world. It is also one of the most diverse, and that is one of the things that makes it one of the strongest parts of the State. I again thank everyone who participated. Good job, Legislative Council, for doing the work that led to this outcome. I particularly thank the families and friends who have never turned away from their loved ones. This is for them.

**The Hon. CHRIS RATH (14:58):** On behalf of the Opposition, I welcome and commend the adoption of the 19 recommendations from the Special Commission of Inquiry into LGBTIQ hate crimes. I also offer an unconditional apology to victims, survivors, families and the LGBTIQ community for the way that the New South Wales authorities handled gay hate crimes over a four-decade period. The way that gay men and the broader LGBTIQ community were treated in the not-too-distant past was, quite frankly, appalling. People were murdered. They were hunted down. They were bashed, verbally assaulted, drugged, castrated and, until 1984, arrested and imprisoned by laws adopted by this Parliament simply for being gay. The 19 recommendations adopted today are an essential step on the path to reform, healing and justice so that these crimes are not repeated in the future. It should always be the Parliament's role to not only legislate for the future but also take the time to evaluate the mistakes and injustices of the past. Hopefully the completion of this inquiry, and today's response from the Government, will provide some closure to grieving families and loved ones with answers about crimes that have gone unsolved, in some cases for more than half a century.

The inquiry was initiated by the then Attorney General Mark Speakman and then Premier Dominic Perrottet. I also single out my good friend and former member of this place Shayne Mallard for his tireless lobbying. The Opposition thanks former judge of the Supreme Court the Hon. John Sackar for his incredibly comprehensive, and often chilling, report that investigated the unsolved deaths of LGBTIQ people between 1970 and 2010 as potential hate crimes. The deaths had been subject to previous investigations by New South Wales police but, unfortunately, throughout that period too often the New South Wales Government's response, and that of the Police Force, was silence. For this, we offer our sincerest apology.

The tragic history of hate and violence towards LGBTIQ individuals is one that this Parliament must grapple with. The special commission of inquiry examined 32 cases of suspected hate crimes and found that discrimination likely played a large role in the response to those incidents. One example is the lost records relating to the tragic death of Richard Slater, who was bashed in a public toilet block. Another is Karl Stockton, who was assaulted because of his sexuality, yet the police failed to account for exhibits relating to his death. Another is Scott Miller, who, the day after attending the Sydney Mardi Gras parade, died as result of a fall from a large height.

As I mentioned before, until 1984 members of the LGBTIQ community were charged and sentenced under bigoted laws. I personally thank the Government for apologising for the historic criminalisation of homosexuality in our State in June this year. In the 18 months that the Minns Government has been in place, it has made the apology and outlawed harmful gay conversion practices, and today it has tabled its response to the special commission of inquiry initiated by the previous Government. I congratulate members opposite on everything that they have achieved in the past 18 months in government. As the Hon. Penny Sharpe said, issues like this are often bipartisan or multipartisan, and that is very important to acknowledge. The recommendations of the inquiry are another step to bringing us closer to a fairer justice system that will never allow atrocities like these to be repeated. The inquiry also generally reflects the strength of community calls for justice. I hope this marks a turning point for lasting change.

I remember when I came out to my parents, my mum was a bit surprised—I don't know why. She said to me, "You know, Chris, just be careful. Be careful late at night on the train or in dark alleyways. You never know what people might do. You never know when someone might assault you." I remember rather flippantly saying something like, "Don't be ridiculous. This is Sydney in 2018," but unfortunately it does still happen so we need to ensure that, through recommendations like the 19 adopted by the Government today, it never happens again. There is nothing wrong with being gay. A person cannot change who they are. Everyone has human dignity and intrinsic worth, regardless of race, religion, gender or sexuality. To all who helped get this Parliament to this point today, especially those pioneers, I thank you for everything. We still have a lot of work to do but today is an important milestone.

**The PRESIDENT:** I acknowledge that the Minister for Police was present in my gallery through the entirety of the ministerial statement and response.

*Matter of Public Importance*

**MCPHILLAMYS GOLD PROJECT**

**Discussion resumed from an earlier hour.**

**Ms SUE HIGGINSON (15:05):** Elders in Bathurst and Blayney and the Wiradyuri Traditional Owners Central West Aboriginal Corporation have been united in their knowledge of the cultural, spiritual and environmental significance of the lands and the waters that we are discussing. They are the cultural authority holders for those lands and water countries. The cultural authority holders for that country experienced what all First Nations cultural authority holders experience when they go in to bat for country and culture, past, present and emerging, in a planning system that privileges and legally prioritises mining proponents over all: that is, radical power imbalances, insurmountable financial burden, structural barriers, discrimination, ignorance and outright racism. Unfortunately we saw that racism playing out in this place yesterday and we are seeing it today. It is important to understand that cultural authority holders are required by their traditional culture and lore to protect country and culture.

First Nations culture is reasonably described as an environmental culture, in that the people are not separate from the lands, water and animals of this beautiful, ancient, living continent. So it is no accident that non-Aboriginal environmental communities and First Nations cultural authority holders often find ourselves working together, walking together and fighting together. All the work that cultural authority holders do to protect country and culture, they do as volunteers. The process of protecting country at Kings Plains has been going on for many years. However, the past five years have been gruelling for the cultural authority holders as they have done their best to respond to the development application process and their section 10 process. The cultural authority holders have engaged in good faith at all times. I am genuinely concerned right now for their wellbeing, given the disgraceful politicisation, bullying and disrespect for the rule of law despite the legitimate process that the First Nations cultural authority holders went through in making their valid and—lo and behold!—successful section 10 application under the Federal legislation provisions that protect areas and objects that are of particular significance to First Nations people.

The Premier, Chris Minns, has played it terribly and, regrettably, his role in this is wrong. It is cruel and it has been divisive, and I hold him responsible for what is happening. When a member of Parliament consistently engages with shock jocks and the Murdoch media, they risk setting fire to the vulnerable and fragile aspects of our democracy and community fabric. I also hold him responsible for what I saw in this Chamber yesterday. I will never unsee yesterday's performance. Government members were sitting alongside Opposition members in support of a motion moved by Pauline Hanson's One Nation to express its disappointment in the legal and valid decision of a woman in power—the Federal Minister for the Environment, Labor's Tanya Plibersek—who simply did her job in accordance with the legal power and responsibility she holds under the Aboriginal and Torres Strait Islander Heritage Protection Act.



Let's briefly look at that power. The Act allows the Federal Minister for the Environment and Water to make a declaration to protect an area, object or class of objects from a threat of injury or desecration. First Nations people or their representatives can apply to protect a specified area or objects. From 1984 to 2011, 93 per cent of the 320 valid applications were refused outright. Of the five declarations made, the Federal Court overturned two.

From 2011 to 2016, 32 applications were received for emergency protection, 22 applications were received for long-term protection, and seven applications were received for protection for objects. Over the past six years to this year, no declarations were made. Suffice it to say all of that cultural heritage is now desecrated, destroyed or displaced. All those First Nations cultural authority holders were further dispossessed and smashed from trying to protect country and culture on behalf of all Australians in the face of radical environmental exploitation and destruction.

There are simple facts about the cultural heritage significance of the site we are discussing. It is not only an area of local significance but it is also significant to New South Wales and the nation. There is a clear case to be made that it also has international significance due to the identities that lived at Kings Plains in the 1800s and the strategies that were used to settle the area by the colonial invaders. The heritage components are clear. There are extensive artefact deposits throughout the area, with a concentration at the headwaters of the Bila Bula—or Belubula—River. There are multiple Dreamtime stories related to the region, including the story of the three brothers, Gaanha bula, Wahlu and Galbunan Ngilinya—or Mount Canobolas, Mount Panorama and Mount Macquarie. The blue-banded bee story is connected to the headwaters of the Belubula River. It was the site of conflicts during the Frontier Wars, as documented in the colonial secretaries' diaries. Kings Plains Station is the site of the property owned by Sir James Stirling, who went on to open up Western Australia and led the Pinjarra Massacre. It was the site of conflict between the Wiradjuri and colonials in 1822. It is where the Wiradjuri declared war on the colonials via the statement, "Tumble down whitefella".

The local Aboriginal land council is a very important body, but it is well known that local Aboriginal land councils are often not the cultural authority holders for the country within their constructed legislative boundaries. However, the land council made a compelling submission in the development assessment process to vehemently oppose the project. In summary, the Orange Local Aboriginal Land Council believed that the proposed McPhillamys Gold Project was entirely unsuitable for the proposed study area, which has deep Aboriginal cultural significance for the Wiradjuri and plays a critical role in Wiradjuri post-contact history, the Bathurst Wars, and our shared history generally. It also believed that the cultural heritage assessment was insufficient and did not involve adequate research and consultation.

The Orange Local Aboriginal Land Council changed its position—this often happens—after talks with the mining company. The mining company overcame those views. However, we know that the cultural authority holders have made it clear that the Orange Local Aboriginal Land Council does not consist of traditional custodians, has not consulted widely and has not fulfilled the obligation of consultation with its members. This is where things get really perverse. Local Aboriginal land councils are often placed in the position of obtaining financial benefit from a mine in the implementation of the cultural heritage management plan. Ultimately, that system works through paying Aboriginal people who are not the cultural authority holders to scour sites for artefacts, organise keeping places such as offsite museums, and monitor and absorb the destruction and desecration of the lands, waters and spiritual connections of the First Nations cultural authority holders. That is the brutal reality of continuing colonialism under the planning and development system of land exploitation at its very finest. That is what New South Wales does and has done for many years.

We have heard a great deal about the Independent Planning Commission process—the supposedly independent process that found that this was all okay. It is absurd to suggest that process is flawless and achieves the right outcome every time; it does not. The process is radically stacked against First Nations cultural authority holders. It was also clearly shown by the independent analysis in the reports of Williams and Kuskie that the original Aboriginal cultural heritage assessments for the McPhillamys mine did not meet current New South Wales legislative obligations without the special consideration that mining proponents get under State significant development provisions.

I seek leave to table the following documents:

- (1) Report of South East Archaeology Pty Limited entitled *McPhillamys Gold Project (SSD 9505) – Independent Planning Commission Public Hearing: Aboriginal Cultural Heritage Assessment and Recommended Conditions of Consent – Independent Expert Opinion – Peter Kuske*, South East Archaeology, dated 11 February 2023.
- (2) Report of Technical Heritage Studies (THS) entitled *Application under s10 of the Aboriginal and Torres Strait Islander Heritage Protection Act in relation to McPhillamys gold mine, Kings Plain near Bathurst. Expert Report by Doug Williams BA (Hons), Grad. Dip. App. Sci., M. ICOMOS, PhD Candidate*, dated February 2022.

**Leave granted.**

**Documents tabled.**

**Ms SUE HIGGINSON:** Aside from all the hard work of these incredible cultural authority holders, who have found the courage and tenacity to engage under the laws of this country, we are discussing forever destroying 26 springs and desecrating and permanently disfiguring 640 acres of significant country under a tailings dam over the headwaters of the life-giving Belubula River. Let none of us ever forget "tumble down whitefella". Tumble down.

**The Hon. WES FANG (15:15):** I thank Ms Cate Faehrmann for bringing the matter of public importance forward. It is vitally important that we continue to discuss investment into rural and regional communities. It is a matter of ensuring that companies that look to invest in rural and regional communities in the future know that governments have their backs. When companies spend their hard-earned capital to develop projects that will bring jobs and growth to communities, those investments should be made with certainty. Companies should know that spurious claims cannot scupper what will ultimately be high-paying jobs for places like Blayney or stop the supply of critical minerals for this State.

Critical minerals are necessary to continue the trajectory that the Government is seeking to prescribe with the renewable energy rollout. They are required for things such as circuit board components for electric cars. If we do not get critical minerals locally, they must come from elsewhere in the world, where our protections and environmental controls will not be in place. But that does not matter to those who have brought forward this matter of public importance. It does not matter to them that denying this mine permission to operate means that those critical minerals will have to be found elsewhere in the world—somewhere our controls do not exist and where companies might not operate to the same standard that they would in New South Wales.

The contributions to the discussion have been quite disappointing. When the Labor Government and the Opposition are almost on a unity ticket in support of the mine and disappointment with the decision of Federal Minister Tanya Plibersek, it is a pretty clear sign of the feelings of the majority of people. This company has gone through the hoops. The approvals have been granted at a State and Federal level and the promise of jobs is real, but it has been denied at the eleventh hour by the Federal Minister, who refuses to outline the details of the process behind the denial. So people are rightly asking questions about sovereign risk in New South Wales. They are rightly asking about the focus on rural and regional employment. They are rightly asking what it means for State and Federal Labor to focus on the regions.

The Greens, who brought this motion forward, have sought to portray those of us that think this is a travesty as either racist or as environmental vandals in the pockets of big mining. We are none of those things. It strikes me as particularly interesting that we are labelled racist when we agree with the land council, which has indicated that it supports this project going ahead, and the jobs and investment it will bring to the region. It is an extraordinary attack on those of us in this Chamber who believe that this project is right—which I would say is the majority—to say that the only people who are right on this issue are those who happen to agree with The Greens. It goes to the discourse in this debate that we will just be labelled racist if we do not agree.

I have gained a bit of insight over my life through the experience of being on the receiving end of racism. It is probably why I object as strongly as I do to The Greens seeking to portray our opposition as racist. That is their simplistic way of telling us that we are wrong. This situation is more nuanced than that. There are multifactorial issues that The Greens simply cannot and do not want to understand. But we need only look at the make-up of the Chamber and the numbers in the vote on the McPhillamys Gold Project motion yesterday. I note that The Greens have indicated that that particular motion is an exemplar of their problem with the way members voted. We are ultimately representative of our communities. The vast majority of members recognise that the McPhillamys goldmine will provide employment, investment and opportunity to an area like Blayney. That is a fantastic thing for this State. It is only opposed by one group in this place.

For The Greens to try to portray any opposition to this decision as racism is bitterly disappointing. That needs to be called out. They are simply labelling us as racist to try to win an argument. It is base-level politics. It ignores the importance of this matter, and it ignores the will of the community. It also ignores the will of the local land council, which is in favour of this project. But because that does not suit the narrative progressed by The Greens, it is dismissed. Is it perhaps The Greens who have been racist on this issue? I pose that question because it is a nuanced issue. I am prepared to stand in this place and make a *carte blanche* declaration, but it is certainly something that we should think about. For The Greens to label us as racist is a blight on them.

**Dr AMANDA COHN (15:25):** As the Chair of last year's Portfolio Committee No. 2 – Health inquiry into current and potential impacts of gold, silver, lead and zinc mining on human health, land, air and water quality in New South Wales, I contribute to debate on this matter of public importance motion moved by my Greens colleague Ms Cate Faehrmann. The proposed open-cut mine near Blayney has drawn significant attention after the Federal Minister for the Environment and Water, Tanya Plibersek, issued a section 10 heritage declaration.

This decision blocks the construction of a waste dam at the headwaters of the Belubula River, a site of cultural significance to Wiradjuri people. The section 10 declaration confirms that the proposal threatens injury or desecration to a site of Aboriginal cultural significance, a truth argued strongly by the Wiradjuri Traditional Owners Central West Aboriginal Corporation.

This is a dam that would never be rehabilitated. It would run 450 metres deep, hold some 46,700 megalitres of tailings and cover an area of 273 hectares at capacity. The mine proponent has admitted that if the dam wall fails, the contents of the tailings dam will flow into the Belubula River. Water contaminated with heavy metals would eventually flow into the Murray-Darling Basin, which is the food bowl of our nation. Regis Resources has said this will not happen, but I'm sure that is what Newcrest also believed about its Cadia goldmine before its tailings dam collapsed in 2018. The Federal Minister acknowledged that McPhillamys does not have the full support of the Blayney and Orange communities. She noted that successive governments have failed by prioritising mining operations over First Nations cultural heritage, but also that the section 10 declaration was not a decision to block the mine from proceeding.

The Premier has said that the New South Wales Government disagrees with the section 10 decision and is working hard for the proponent to relocate the tailings dam by modifying the development application and fast-tracking it through the assessment process. Those comments have unsettled local community members, who are once again facing an uncertain future. The developer of the mine has said that the project may no longer be viable. This has prompted cynical media and political grandstanding over perceived economic losses. It is a good thing that this declaration has put the future of the proposed project in doubt because the New South Wales Government should not have approved the project to this point in the first place. New South Wales is the only jurisdiction that has never had standalone Aboriginal cultural heritage legislation. For the mine to have proceeded this far is further evidence that our protections are reactive and inadequate. The NSW Aboriginal Land Council says:

The high rates of destruction of Aboriginal sites, both "approved" and illegal, continues to cause deep distress within our communities. The destruction of Aboriginal sites impacts on the ability of our peoples to maintain living cultures and create wellbeing and healthy communities. Our sites tell important stories and must be protected so Aboriginal peoples can strengthen and maintain our cultures now and in the future.

At the parliamentary inquiry following the destruction of 46,000-year-old caves at the Juukan Gorge in the Pilbara region of Western Australia, the NSW Aboriginal Land Council submitted:

... the cultural heritage provisions of the NPW Act are not effectively integrated with the development processes in NSW. This results in a reactive system that does not consider Aboriginal heritage until after development assessment processes have occurred or until after Aboriginal heritage is under threat.

Last year Portfolio Committee No. 2 heard a large volume of evidence from communities near the proposed mine and from experts on the significant impacts the McPhillamys mine would have on the Belubula River, on local water quality, on the platypus population of high conservation significance, on long-term environmental sustainability and on Wiradjuri cultural significance. Substantial evidence was removed from the final report by a majority voting bloc of Government and Opposition members. That content was among the 47 separate motions to omit content without even trying to seek amendment.

Associate Professor of Environmental Science at Western Sydney University Dr Ian Wright told the first hearing about the platypus population of high conservation significance in the Belubula River. Rebecca Price of the Belubula Headwaters Protection Group, a grazier who lives downstream of the McPhillamys Gold Project, told the committee that her business relies upon the health of the river and the natural springs at those headwaters. Claire Bennett of the Goldfields Honey group, which employs 52 people two kilometres from the border of the mine site, told us her family's beekeeping operation and the mine could not coexist due to dust contamination and bees drinking from the tailings dam.

There has been a lot of talk about regional jobs during the debate. It is clear that National Party members have nailed their colours to the mast. They care much more about the profits of the mining industry than about current regional jobs, like the 52 people employed at Goldfields Honey. I remind the House that Government and Opposition members voted against including any recommendations in the inquiry report that would address rehabilitation outcomes and improve regulations related to the McPhillamys mine, including a specific proposed recommendation to strengthen rehabilitation outcomes under the Mining Act. Those same members failed to recommend the development of testing and monitoring at known high-risk legacy mine sites and for the results of testing and monitoring to be made publicly available.

As I expressed in my dissenting statement to the report, despite numerous concerns raised about the health impacts of mining projects from residents, communities and experts, the committee failed to recommend any changes to how those impacts are assessed. The lack of consideration for cumulative health impacts in current assessments is another regulatory flaw. The Government should amend the Environmental Planning and

Assessment Act to require all mining projects to have health impact assessments covering cumulative impacts, conducted by independent experts engaged by the assessment authority.

As I made clear in the inquiry process and its heavily redacted report, the New South Wales Government is failing to manage and mitigate the impacts of gold, silver, lead and zinc mining on human health, land, air and water quality in New South Wales. The New South Wales Government is approving projects like this one that will leave a permanent 70-hectare pit void simply because the cost to the proponent to rehabilitate it is seen as too high. The New South Wales Government is abandoning mining communities to live in and suffer the health consequences of mining mess. Even worse is the fact that gold, silver, lead and zinc are not on the Federal Government's critical minerals list. Every member who has defended the mine has talked about gold being a critical mineral. Gold is not on the Federal Government's critical minerals list.

**The Hon. Courtney Houssos:** I'm not suggesting it is on the critical minerals list.

**Dr AMANDA COHN:** I acknowledge the interjection of the Minister. Several members in the debate have referred to it as a critical mineral. It is important to address that. All of this is not for the benefit of the people of New South Wales. The proposed mine is about corporate profit; it is not for our benefit. It is particularly egregious to hear members of Parliament who are opposed to the installation of solar panels, under which sheep can graze quite happily and which can be removed at the end of their life or at any time, argue that it is okay to leave agricultural communities with a permanent 70-hectare pit void or a toxic tailings dam.

The Shooters and Fishers Party whacked "Farmers" into its name in 2016 to get more votes off the National Party. That briefly worked, but how can those members claim to seriously represent the interests of agricultural communities when they so enthusiastically support the poisoning of our water, soil and air for private commercial interests? They chose to spend a large part of the debate wasting their time with very bizarre Cold War era "reds under the bed" attacks on The Greens rather than representing the very real and present concerns of local residents.

**The Hon. TANIA MIHAILUK (15:33):** I will speak briefly on the matter of public importance regarding McPhillamys Gold Project, as I have spoken on the issue at least four times this week. I am quite astounded that The Greens accuse the Orange Local Aboriginal Land Council of potentially deriving financial benefit from the project. That is an outrageous claim. They are suggesting that the applicants are somehow involved in potential corruption. It is outrageous. The idea that every State or Federal government department is somehow in cahoots to deny Indigenous cultural heritage is also outrageous. Ms Sue Higginson said that the Independent Planning Commission [IPC] was stacked with people who were against First Nations people. What does the IPC think about that?

**Ms Sue Higginson:** No, that's not what I said. I said the process.

**The Hon. TANIA MIHAILUK:** The process. The idea was that they are not intelligent enough on the IPC to be able to decipher what is appropriate and what is not.

**Ms Sue Higginson:** You're a disgrace.

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

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** The Clerk will stop the clock.

**The Hon. Wes Fang:** The interjections from Ms Sue Higginson were unparliamentary. She should withdraw those comments. I also ask you to call her to order for the constant barrage of interjections.

**Ms Sue Higginson:** To the point of order: I interjected because a member was literally saying I had said something that I had not. That is why I was interjecting.

**The Hon. Natalie Ward:** To the point of order: We have a rule that one member speaks at a time in this place. The content of the interjections are a matter for you, but in this place we expect members to not talk over others, although I understand the passion with which members bring their submissions.

**The Hon. Rod Roberts:** To the point of order: Ms Sue Higginson just admitted that she interjected. She said that the member misquoted her. I do not know if that is the case or not, and I am not taking sides. But there is a process by which Ms Sue Higginson can take a point of order in relation to being misquoted rather than interject. I hope you take that into consideration in your deliberations.

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** I remind members that interjections are disorderly at all times. All members will engage with each other in an appropriate way.

**The Hon. TANIA MIHAILUK:** It is clear that the member is upset about the way that I have responded, but I listened to her speech. It is almost impossible not to come to the view that there is almost a suggestion that, if people do not follow a certain narrative or come to the view that The Greens want, there is some sort of

impropriety. The land council clearly said that it was neutral on the project. It made submissions to Plibersek and throughout the five-year process.

Individual senior Elders have spoken out, including Mr Roy Ah-See, whom a number of members have quoted. I have quoted him previously this week as well. He wrote to Plibersek, concerned that she had been hijacked in the process. The Elders also made clear that some artefacts in some parts of the site needed to be protected, and that the applicant was working with the local Aboriginal land council to ensure that would be the case. All of that was well and truly examined by the IPC. Everyone has had an opportunity to be involved at every level, including the Environment Protection Authority at the New South Wales level. The Hon. Penny Sharpe even stated in a budget estimates hearing that Plibersek consulted NSW Environment and Heritage on this very issue last year.

There is no conspiracy theory. Everybody is not in cahoots to try to stop Indigenous culture from being protected. That idea does not exist. But the reality is that just because it does not suit the narrative of The Greens, everybody is dismissed. The land council ultimately had a very strong view, and people have defended what it has done. There are people who are hurting as a result of the goldmine not going ahead.

I seek leave for an extension of time.

**Leave not granted.**

**Ms CATE FAEHRMANN (15:39):** In reply: I thank members for participating in the discussion and acknowledge all of the contributions. In particular, I acknowledge the excellent contribution on Aboriginal cultural heritage matters by my colleague Ms Sue Higginson, who is The Greens' First Nations justice spokesperson with her history as an environmental lawyer. Quite a few issues were raised. Typical arguments have been put forward in this place over the past week and repeated ad nauseam. Lines from Ben Fordham's mouth, *The Daily Telegraph* and Sky News were repeated over the past 90 minutes. The first one I address is the figure of \$200 million in royalties, which comes up again and again. I dug around for that figure, trying to find where it came from. The assessment report presented to the Independent Planning Commission by the Department of Planning, Industry and Environment states that the project would deliver up to \$65 million net present value in royalties in total over the life of the project. I am not sure where the \$200 million comes from.

The Minister also talked about a robust regulatory system that considered environmental and cultural factors as well as impacts on local communities. An extraordinary document entitled *McPhillamys Gold Project – Social Impact Assessment Expert Review* was pulled together by the Department of Planning, Industry and Environment. A summary of the social impact assessments undertaken by the proponent found that the mine development would result in "further loss of cultural heritage and connection to country for Aboriginal people and further impacts to the beliefs and values of the Wiradjuri people". It states, "This loss is intergenerational and irrevocable."

I acknowledge the contribution by the Hon. Sam Faraway. He made some extraordinary statements, saying, for example, that I need to talk to more than a handful of people when I go to Blayney, which I have done. Just this week I held a webinar for the community, and 115 people jumped on, many of them from the Central West and the local community. At least I do not go to Blayney and turn my back on shop owners because they do not agree with my position, which is what the Hon. Sam Faraway has been doing, as I explained yesterday. What does the social impact assessment expert review say about the economic impacts? Everybody is talking about the economic impacts, the opportunities and the jobs that this mine is going to bring. This is what the social impact assessment expert review says about that:

Local business expectations in relation to project opportunities are not met resulting in a financial burden for some local businesses and potential loss of services for Blayney community. This impact has been assessed by the applicant.

That is a risk. The review says, "This unmitigated consequence is major and the likelihood is possible." Overall, that means the risk of that happening for Blayney is extreme, according to the Government. What else is extreme in terms of the risks to Blayney from this mine? I acknowledge that the Hon. Emily Suvaal mentioned that housing is a big concern for people. The review states:

Construction phase workforce accommodation demands reduce accessibility to private housing for existing and future residents.

Again, the unmitigated consequence is moderate; the likelihood is almost certain. Overall, the unmitigated social risk rating is extreme. The mitigated consequence is moderate. Overall, the risk is high. Additionally, low-income households are displaced from private rental accommodation in Blayney due to workforce accommodation demands. The mitigated social risk rating is high. The Hon. Emily Suvaal made the usual accusations about The Greens attacking miners and the mining industry and argued that mines are good for local communities. Let us remember that this discussion is about the location of a tailings dam on the headwaters of the Belubula River. I turn back to the social impact assessment review, which states:

The influx of temporary population to Blayney has the potential to influence local community perceptions of safety with an increase in occurrence of antisocial behaviour frequently perceived by residents as associated with an influx of mine worker ... The mitigated social risk is high.

That antisocial behaviour includes drink driving and traffic infringements as well as an increase in violence, including domestic violence. The review states, "The consequence of this is reduced community cohesion, and fears for personal and community safety and wellbeing." That is all from the Government's document on the social impact assessment expert review of the McPhillamys mine and the impact that the mine will have on Blayney if it goes ahead. Another issue is that the review states:

The applicant ... has committed to not tolerating anti-social behaviour by employees and contractors and this will be clearly communicated in the induction program that all employees and contractors will have to complete before commencing work on the project.

The review found that the mitigation measures in their current form are disproportionate to the impact. The mitigation measures in their current form are disproportionate because they simply say to new employees, "Please try not to have too much to drink on the Friday night when you're in town. And, please, watch being violent when you're in the community." There are many more social impact assessments, and I urge all members to read the document. One was that the McPhillamys mine will bring in well-paying jobs to Blayney, which is a good thing.

The social impact assessment has reviewed that and states, "Construction phase labour demands significantly constrain the labour market of Blayney LGA." Even mitigated, the risk of that is high. Another risk is that non-mining business owners in the Blayney local government area and surrounding LGAs will experience labour draw from that community. Again, the risk of that is high. So this basic social impact assessment expert review by the Government's own department kicks out of the park most of the arguments put forward by the Opposition, the Government and various members of the crossbench, who say that this mine is going to be fantastic for the local community of Blayney.

I finish on the bizarre claim, which seemed to be repeated by a number of contributors to the discussion, that somehow environmentalists are using section 10 and cultural heritage to get action on an environmental issue. It is weird because it came from a couple of members of the House today, and *The Daily Telegraph* just sent me an email asking similar questions. There are some bizarre waves going on between members in this place and the Telegraph today. I finish with a quote from Auntie Ngaire Reynolds. When she spoke to the Independent Planning Commission, she said that it was very hurtful to think that they would come into her country, take people's homes and block their river and block their springs. She said, "How anyone can think of doing that with our river?" There is the connection between the environment, cultural heritage and country. It is all the same.

**Discussion concluded.**

*Visitors*

## VISITORS

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** I welcome to the gallery Mr Jeremy Gadsden, who was a Labor candidate for A Ward in the Sutherland shire.

*Bills*

## PORTS AND MARITIME ADMINISTRATION AMENDMENT BILL 2024

### In Committee

**Consideration resumed from 17 September 2024.**

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

**Motion agreed to.**

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

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

**Motion agreed to.**

### Adoption of Report

**The Hon. MARK BUTTIGIEG:** On behalf of the Hon. John Graham: I move:

That the report be adopted.

**Motion agreed to.**

### Third Reading

**The Hon. MARK BUTTIGIEG (15:52):** On behalf of the Hon. John Graham: I move:

That this bill be now read a third time.

**The Hon. NATALIE WARD (15:52):** I address some matters that there was perhaps no opportunity to address in Committee when, by stealth, there was a last-minute attempt to put some amendments which, surprisingly, related to the unions. Once again, we have seen this Government kowtowing to the unions, ensuring that they have a seat at the table at every opportunity. If the Government has an agenda to stack boards, and if it wants to put union members on every—

**The Hon. Penny Sharpe:** Point of order: I listened carefully to what the member was saying, and I have two points to make. Speaking to the third reading motion is absolutely a matter for the member. She is able to do that, but she is not able to canvass the decisions already made in Committee or raise a range of new matters that were not dealt with during the second reading debate or the debate in Committee. The amendments have been passed by the Committee, and the debate at the third reading stage results from that. Members are allowed to contribute to debate on the third reading motion, but they cannot introduce new material that has not already been canvassed. The member should be talking about why she is supporting or not supporting the third reading of the bill.

**The Hon. Damien Tudehope:** To the point of order: The fact of the matter is that the Opposition supported the bill on the second reading, but now the Opposition will not be supporting the bill because of decisions taken in the Committee stage. It is open to the Opposition to canvass the reasons for not supporting the bill on the third reading as a result of those decisions. That is not canvassing the veracity of the decision taken in the Committee stage; it is a debate about why the Opposition will not be supporting the bill on the third reading. The member is perfectly able to canvass that as part of the debate on the third reading stage.

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** I remind members of a ruling given by President Harwin in 2013 that noted:

Brief comments advising of a change of position can be made on the motion for the third reading but with limited latitude. The member should confine comments to why the position is now different as a result of the outcome of the committee stage of the bill.

I ask the Hon. Natalie Ward to remember that as she proceeds.

**The Hon. NATALIE WARD:** That is exactly the point. I am informing the House of why the Opposition cannot support the bill in its current form. The Opposition was not provided with any notice of the agenda of the bill in the second reading speech, when the bill was before the House and we had the opportunity to consider it. We have not had the opportunity to consider the very real proposition, now part of the bill, to stack it with union mates. That is why we have changed our position on it. A bill that was otherwise innocuous and was dealing with the recommendations of a review is suddenly an opportunity to stack two Maritime Union of Australia mates in there.

I am absolutely setting out for the House's consideration the reasons why the Opposition cannot support the bill in its current form. If the Government has an agenda to put union representatives on a ministerial board, it should be up-front with both Houses and other stakeholders about why it is doing so and its intention to do so in the bill. That was not done in the other place or in this place and, worse than that, it was proposed as a last-minute amendment at 8.58 p.m. on the evening in question. But, even worse than that, it was handed to The Greens to do the dirty work of the Labor Government. How they go about it is a matter for the Government, but I would have thought, if its intention and policy position is to require union members to be on each of these boards, it would be quite up-front about that. This was done at 8.58 p.m. as part a last-minute, late-night, stealthy hidden agenda to get more jobs for its union mates. I am amazed Josh Murray was not appointed to this board, frankly.

**The Hon. Daniel Mookhey:** Point of order: Deputy President, you rightly cited the previous ruling of President Harwin that made clear the limited latitude that is to be observed during debate at the third reading stage. No doubt the member was operating within the reasonable bounds of the limited latitude until quite recently, but extending those remarks now to reflect on a public servant, I would argue, goes beyond the latitude that is available on a third reading motion, apart from the fact that it is perhaps not necessary to explain why the Opposition has changed its view. It is quite right to say that discretion is available to you, as the Chair, when it comes to questions of limited latitude but, generally, the test has been whether or not the remarks are necessary for the purpose of the explanation.

**The Hon. NATALIE WARD:** To the point of order: I was not reflecting on a member of the public service. It is well known that the Opposition has questions about that appointment, so much so that there was an inquiry into it by the Public Accountability and Works Committee. It is not a reflection. There has been an entire

committee inquiry into that. It should come as no surprise that we have a philosophical opposition to some of the processes that may or may not have been in place and, similarly, we are calling out this one.

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** I uphold the point of order. I draw the Hon. Natalie Ward back to the ruling I just cited. Limited latitude is given at the third reading stage. I ask her to keep that in mind as she completes her contribution.

**The Hon. NATALIE WARD:** Stealthily during the night, there was a last-minute addition to the bill providing for port workers and vessel crews to have not one but two representatives on the Maritime Advisory Council, without any reasoning as to why. Clearly, it was done to put the maritime union firmly in place on this board. It was done quietly, literally at the last minute. Amazingly, the Government hid behind someone else to do it.

The Opposition supports the implementation of reviews and the receipt of recommendations from those reviews. But it should come as no surprise that we do not support the last-minute insertion in otherwise benign bills of union appointments—paid positions—to ensure that a particular stakeholder has a seat at the table when others do not. If there had been an opportunity to address that, we would have sought amendments to ensure that other important stakeholders, such as shipowners and others who are part of the freight corridor—that important supply route in Australia and through New South Wales—were represented on the Maritime Advisory Council. We have the Rail, Tram and Bus Union [RTBU] running Transport, costing us \$3.6 million a day. We now have the MUA and the CFMEU running the ports—

**The Hon. Mark Buttigieg:** Point of order: I fail to see what the RTBU action has to do with the third reading stage on the ports bill. It is not relevant and should be ruled out of order.

**The Hon. NATALIE WARD:** To the point of order: I had not finished my sentence. I was raising my concerns in relation to the very matter we have canvassed as being the reason the Opposition opposes this bill in its current form—that is, that union positions have been imported. I was using other examples of where that has not gone so well. I am speaking to the concerns that we have and the fallout we have seen in Transport already.

**The Hon. Daniel Mookhey:** To the point of order: No doubt the member is providing multiple explanations. That is fine. But I draw your attention back, Madam Deputy President, to the precedent of limited latitude that has applied at the third reading stage. Constant repetition of the same reason transgresses the requirement for such contributions to be brief. The 2013 ruling of former President Harwin is clear that it must be a brief explanation. Of course, the member has 15 minutes and is well and truly entitled to use all of that available time to provide a brief explanation. But I argue that constant repetition of the same points is not necessary for the purposes of explaining why there has been a change in position.

**The Hon. Damien Tudehope:** To the point of order: It is fundamental to the member's argument that union representation is something which (a) has been adopted as a last-minute thought, and (b) should be contrary to public policy. In one sense, the argument being made out about the RTBU goes to exactly that issue about why this has—

**The Hon. Cameron Murphy:** Point of order—

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** A member cannot take a point of order on a point of order. The Hon. Damien Tudehope will continue.

**The Hon. Damien Tudehope:** It goes to the issue about why union representation, adopted at the last minute, is a bad idea. I know members opposite are very sensitive about this sort of stuff. But it does not transgress the latitude given under the standing order to canvass the reasons why a last-minute amendment, adopted in the manner in which it was adopted, should not be adopted and to point to examples that show why adopting this sort of policy is bad public policy.

**The Hon. Daniel Mookhey:** Further to the point of order: Having heard and considered the contribution just made by the Leader of the Opposition, I point out the philosophical proposition that the desirability of public policy is generally a matter reserved for the second reading stage. Whether or not amendments should be adopted is a matter that was obviously dealt with in Committee. Whether or not an amendment is desirable is a question that is put before the Committee. Members are entitled to provide their views on amendments at that point in time, ad nauseam and at length, without limit. But the point of a debate at the third reading stage is not to repeat the arguments made in Committee or during the second reading debate, or to advance arguments that should have been made during the second reading debate. I am not suggesting that was feasible or necessary.

Madam Deputy President, I also draw your attention to the previous precedent set in this House that the appropriate time for a member to make any allegation that the Committee process has been defective is at the adoption of report stage. The question that the report be adopted was passed. Therefore, any such contribution



calling into question whether or not the Committee process was sound should not be made at the third reading stage. It should have been raised when the question was put before the House, prior to the commencement of the third reading stage.

**Ms Abigail Boyd:** To the point of order—

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** I have heard enough on the point of order.

**Ms Abigail Boyd:** It is a slightly different point of order.

**The Hon. NATALIE WARD:** I ask that the clock be stopped, because my time is being seriously run down by the numerous points of order. Numerous members are getting to their feet.

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** I am ready to rule. Members will resume their seats. I have now heard extensively about this issue. We have already revisited a ruling from former President Harwin that states what the nature of the contribution to the third reading stage should be. Obviously the Hon. Natalie Ward has an opportunity to make her contribution. However, as I understand it, contributions to the third reading stage should not revisit issues considered during the Committee stage. The third reading stage is about the member articulating reasons for the change of mind. I draw the member back to that and again remind her of the limited latitude ruling just cited. I ask the Hon. Natalie Ward to continue in that vein.

**Ms Abigail Boyd:** Point of order—

**The Hon. NATALIE WARD:** I ask that you stop the clock, Madam Deputy President.

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** The Clerk will stop the clock.

**Ms Abigail Boyd:** I have a separate point of order. Yesterday during question time the Hon. Natalie Ward raised an allegation that I had somehow taken my riding orders from the Labor Party instead of doing my own good work. I was then at pains during the take-note debate to explain to the member that I had done my own work. I would never take instructions from the Labor Party. I am very proud of the relationship The Greens have with the unions. The member is not using my name but continues to make that assertion. That should be done by way of substantive motion.

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** I ask the Hon. Natalie Ward to take into account what occurred yesterday and the decision that was made.

**The Hon. NATALIE WARD:** Thank you, Madam Deputy President. The entire Labor caucus is in the Chamber to show its support for the MUA. It is a conga line of support that would make Stalin blush.

**The Hon. Daniel Mookhey:** Point of order: Again, the purpose of the debate at the third reading stage is to explain a change of position, not to reflect or otherwise comment on the positions adopted by other members or other parties. By definition, commenting on the positions of other parties is not necessary for the member to explain why the Opposition has changed its position.

**The Hon. NATALIE WARD:** I will explain why we have changed our position, because it is very clear.

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** I will rule on the point of order.

**The Hon. NATALIE WARD:** I ask that you stop the clock.

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** No, the clock will continue. I am not necessarily upholding the point of order, but I have referred to previous rulings and reminded the member most clearly about the parameters of her contribution. I ask that she stay within them.

**The Hon. NATALIE WARD:** In the time I have left, the reason the Opposition has changed its position is because it very clearly appeared to us that this innocuous bill, which was about implementing a review and did not flag union appointments in the second reading speech, became very different in the dead of the night. It was a circus trick at the last minute. It was not something the Opposition had the opportunity to address at the second reading stage. It was not something that our members had the opportunity to seek a briefing on—the importance of the Maritime Union of Australia [MUA] being an appointed to this board, like so many others.

The Opposition's concern is that there seems to be a pattern of behaviour that results in implementation difficulties. We have seen that with Transport and the Rail, Tram and Bus Union [RTBU] and we are seeing it now with the wharfies back at the ports. Maybe it is the case that we will need to bring back Peter Reith, because we will see unions at the ports in this legislation for all time. We are seeing them in Transport. Mates are being appointed across the board. That is the Opposition's concern. We on this side would have raised that if we had had the opportunity to do so during the second reading stage. The fact that so many members are on their feet and that so many members are in the Chamber today is because that was brought up at the last minute.

I literally had three minutes to speak on it. The level of discontent from those opposite who want to stand by their legislation is shown when they are all objecting, taking points of order, going into bat for their union mates, and standing up for the MUA and the CFMEU at every opportunity. That is a very clear indication of why we are right about this and why we ought to be concerned. We should raise these concerns at every opportunity because not all of us are paid-up members of unions. Not all of us need to pay our union masters and not all of us think it is important for the union to have a seat at the table in legislation, when not one other stakeholder had a seat at the table. Not one other stakeholder was invited in the amendment of Ms Abigail Boyd. I acknowledge it is her amendment. I did not hear about her amendment dealing with other stakeholders, and that is our concern.

**The Hon. Daniel Mookhey:** Point of order: Madam Deputy President, it is now clear that there have been multiple instances when perhaps your rulings are not being respected. The debate has now strayed once more into attempts to repeat a Committee stage level of debate. I point out that the Hon. Natalie Ward is addressing the amendment. I would simply say that the amendment debate at the Committee stage has been completed. The Committee reported to the House. The report was adopted. We are now in the third reading stage where, as you rightly commented earlier, comments should be limited to whether or not there is a change of position. Advancing positions on why amendments are good or not good might well be valid, but it is a matter that should have been—and I believe was—canvassed extensively during the Committee stage.

**The Hon. Damien Tudehope:** To the point of order: It is an absolute nonsense for the Treasurer to say that the Hon. Natalie Ward should not address amendments when she is explaining why the Opposition cannot support the bill. Of course she has to address the amendments and why the amendments are unacceptable to outline why the Opposition no longer supports the bill. It is patently ridiculous to say, "You can tell us that you're not supporting the bill, but you can't explain why." Goodness gracious!

**The Hon. Penny Sharpe:** To the point of order: The debate on the substantive issues in relation to the amendments occurs at the Committee stage. It is not the fault of this Chamber that the Opposition was not organised enough in the Committee stage to be able to make its case in relation to amendments. All members have the opportunity in the Committee stage to deal with matters of substance concerning the amendments. They also have the opportunity to make the case when the amendments are put forward. That is when the debate happens. We are now in the third reading stage. Opposition members are absolutely entitled to not like the outcome, and they should be saying that, but they cannot re-prosecute in the third reading stage, because nobody else in the Chamber gets the opportunity to respond to it. That is why it is the third reading stage and not the Committee stage.

**The Hon. Damien Tudehope:** Further to the point of order: That argument has some merit if the amendments had been tabled before we went into the Committee stage.

**Ms Abigail Boyd:** They were.

**The Hon. Damien Tudehope:** At 8.58 p.m. In any event, it is not possible to explain why the bill is opposed without addressing the amendments. The reason those amendments have been made is why the Opposition opposes the bill.

**The Hon. Daniel Mookhey:** You debated it in the Committee stage.

**The Hon. Damien Tudehope:** Calm down.

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** The Hon. Damien Tudehope will resume his seat.

**The Hon. NATALIE WARD:** Chair, I ask that you stop the clock.

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** The Hon. Natalie Ward will also resume her seat. I ask all members to take a breath so we can finish this part of the process. I remind the Hon. Natalie Ward of the precedent that I cited earlier. I ask that she confine her comments to the bounds of that previous ruling. She has just over two minutes left in which to do that.

**The Hon. NATALIE WARD:** It is very clear that a very different position was put to this Chamber in the dead of night than was put at an earlier stage. The response we have seen here just illuminates the fact that we were not only dealing with the Government Whip taking the names inside the Chamber but also the MUA taking them from outside the Chamber to make sure every single one of them signed up to union members being appointed at every opportunity.

**The Hon. Daniel Mookhey:** Point of order—

**The Hon. NATALIE WARD:** We should bring back Peter Reith to sort out these wars.

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** A point of order has been taken. The Hon. Natalie Ward will resume her seat.

*[Interruption]*

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** The Hon. Natalie Ward will resume her seat.

**The Hon. Daniel Mookhey:** I remind all members that their comments are to be limited to an explanation of why a position has been changed. It is not an opportunity to reflect on the positions adopted by other members, particularly given that members are yet to vote on the third reading motion. Equally, as the Leader of the Government just said, the third reading stage is not an opportunity for members to once more debate each other's position but rather to explain a change in position. The fact that the Hon. Natalie Ward is continuously failing to grasp the most basic understanding of debate at the third reading stage gives you, Madam Deputy President, the opportunity to perhaps—

**The Hon. NATALIE WARD:** I take offence. I ask the Treasurer to withdraw that.

**The Hon. Daniel Mookhey:** I do not withdraw it.

**The Hon. NATALIE WARD:** I absolutely understand it. That is offensive and I ask you to withdraw it.

**The Hon. Daniel Mookhey:** I do not withdraw it.

**The Hon. NATALIE WARD:** I absolutely understand it.

**The Hon. Daniel Mookhey:** I will not withdraw. I will simply make the point—

**The Hon. NATALIE WARD:** You will go to any lengths to run cover.

**The Hon. Daniel Mookhey:** I will simply make the point that debates at the third reading stage are for a reason and have an appropriate place, but they are, of course, subject to rules. All I am asking is that the House enforce its rules when it comes to debate at the third reading stage.

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** I remind the Hon. Natalie Ward that if the Chair directs a member to resume their seat, they resume their seat. If they do not do so, they will be called to order. I direct the Hon. Natalie Ward to stay within the limits of the debate, as I have directed her to do on multiple occasions, for the last 15 seconds of her speech.

**The Hon. NATALIE WARD:** In the 12 seconds I have left to address the Opposition's concerns with the union appointment, which is the reason we on this side cannot support this bill, and the almost record number of points of order taken by the Government to run cover for its union mates, it is very apparent who is in charge in New South Wales now. We will oppose the bill.

**The Hon. DAMIEN TUDEHOPE (16:17):** I support the position taken by the Hon. Natalie Ward in outlining why the Opposition is not supporting these amendments. This was a benign bill that we on this side supported on the second reading. The bill enjoyed support on the second reading across the Chamber and there was goodwill attached to it. The amendments make it a vastly different bill. That is why the Opposition cannot, in those circumstances, be seen to support it. The nature of why it is such a different bill now is that it introduces a component not previously in the bill at the second reading stage. It is a component that introduces the involvement of people who would serve on the advisory committee.

**The Hon. Mark Buttigieg:** Point of order: The Leader of the Opposition is replicating what his colleague the Hon. Natalie Ward just did, which is re-litigating a Committee stage debate. Madam Deputy President, I ask you to call him to order.

**The Hon. Natalie Ward:** To the point of order: The Hon. Damien Tudehope is entitled to make a contribution on this matter. Government members are continuing to run down the clock. I ask that the Hon. Damien Tudehope be heard.

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** The Hon. Damien Tudehope will stay within the bounds of the rulings made earlier.

**The Hon. DAMIEN TUDEHOPE:** Is there a suggestion I have not been?

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** There is a suggestion that the member should keep that in mind as he continues his speech.

**The Hon. DAMIEN TUDEHOPE:** Point of order: Madam Deputy President, if there is a suggestion that I am not staying within the ambit of your previous ruling, I ask you to spell that out.

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** As is the practice in this Chamber, the Presiding Officer is well within their rights to suggest to members how they might continue to behave. That is my best advice as to how the Hon. Damien Tudehope might continue his contribution.

**The Hon. DAMIEN TUDEHOPE:** It is fundamental to the manner in which the Opposition would treat a bill that it votes a certain way at the second reading stage on the basis of the content of the bill. But when the content of a bill changes to the extent that this one has, namely, introducing a regime for the appointment of people to the advisory board—being Maritime Union of Australia members, the same people who were out the front yesterday supporting the CFMEU demonstrations—that is of a completely different flavour. It is of a completely different flavour when an advisory board must have that component in its membership. That flavour is further emphasised when there is no opportunity to ensure there is broad industry representation on that board.

The content of a bill is fundamental to the way that the Opposition treats it. It should be fundamental to the way that negotiations are carried out on those bills. The Government had clearly seen the Opposition's support for the bill in the second reading debate. It then supported an amendment moved by another member of this place that changed the nature of the bill and obviously created a situation where it would be problematic for the Opposition to support it. Members opposite have said there is a different time to debate that, but the nature of that debate was so confined on Tuesday night. Late at night an amendment was introduced without consultation with anyone on this side of the House. There was no opportunity to seek instructions or consult with our leadership colleagues, as is the normal practice when dealing with amendments.

The amendment was of a completely different flavour than the bill we voted on at the second reading stage. The manner in which the Hon. Natalie Ward was treated, with points of order taken, disrespects the fact that she has very considered arguments regarding the Opposition's position. Those opposite should have given that position much more respect by consulting on the terms of the amendment before they sought to pass it at the Committee stage.

**The Hon. CHRIS RATH (16:22):** The Opposition has changed its position on the bill because of the amendment passed in the Committee stage. Opposition members were all in favour of the bill in the second reading debate. We had no intention of voting against it. In fact, a lot of the work was done by us when we were in government. The review of the Act was instigated by the previous Government and the previous Minister for Transport and Roads, the Hon. Andrew Constance.

But then the bill was hijacked at the last minute with a hostile amendment from The Greens, backed in by Labor, to appoint two Maritime Union of Australia [MUA] officials to the Maritime Advisory Council. It is for that reason that the Opposition has changed its position—because of a hostile amendment that hijacked an otherwise innocuous but important bill, for which the work was started and almost completed by us when we were in government. Sixteen recommendations came out of the review, and we accept all of them.

**The Hon. Penny Sharpe:** Point of order: This is a debate at the third reading stage. The Hon. Chris Rath is now canvassing the background that would normally be dealt with during the second reading debate. That is not what debates at the third reading stage are about. He started quite well by indicating why Opposition members changed their position, which they are entitled to do. But canvassing the history of the reform is outside the leave of a third reading stage contribution.

**The Hon. Natalie Ward:** To the point of order: We have heard the same point of order repeatedly. I believe the Hon. Chris Rath was outlining the history in order to get to why our position has changed—because of the way in which the bill came about, through a review, after which the bill changed as a result of the amendment. I ask that he be heard.

**The Hon. Daniel Mookhey:** To the point of order: The point of order goes to the relevant part of the Harwin ruling, which is that contributions should be brief. A full history of the evolution of a policy proposition to justify a change in position probably transgresses the requirement that contributions be brief. The Hon. Chris Rath's points may well be pertinent and relevant for the House to understand why he has changed his view, and we want to hear them. But they need to be limited and brief. They cannot canvass matters that should have been advanced during the Committee stage. Perhaps the member could provide an explanation for changing his views that does not require a full explanation of the policy history, which could have been given in the second reading debate.

**The Hon. Anthony D'Adam:** To the point of order: Madam Deputy President, I draw your attention to Standing Order 98 (1) and the reference to tedious repetition of a matter already presented in the debate. We have heard exactly the same argument repeated ad nauseam—tediously—from the Deputy Leader of the Opposition, the Leader of the Opposition and now the Hon. Chris Rath. I urge you to direct them to make new arguments. If they have no new arguments to make, they should cease speaking and we should proceed to the vote.

**The Hon. CHRIS RATH:** To the point of order: It is an entirely absurd suggestion that members who make similar contributions with similar points should in the future be ruled out of order. To rule that one member speaking about a particular issue is the end of the debate would completely stifle free speech in this place. It is absurd to suggest that we cannot hear any more about a particular issue because one member has already done it, and anyone else speaking on the same issue in a similar way is tedious repetition. That is not why that standing order exists. I suggest that the Deputy President make a ruling on that.

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** I thank the Hon. Chris Rath for his contribution. Several aspects were spoken about. The Hon. Chris Rath began his contribution in line with the appropriate standing orders and practice. He will keep his comments along those lines—that is, an explanation of the change in position. Regarding the other comments, he will keep in mind the other standing orders and principles. The rationale for debate at the third reading stage is to explain a change in position.

**The Hon. CHRIS RATH:** As I was saying, Opposition members changed our position on the bill from the second reading stage to the third reading stage because the bill had changed. We supported the bill at the second reading stage because in its original form it adopted 12 of the 16 recommendations that came out of the review initiated by the previous Government. However, we have since changed our position on the bill because an amendment was passed that was not part of the review. Nowhere in the review did it suggest that two MUA officials be appointed to the Maritime Advisory Council.

We support the bill in its original form and that is why we have changed our position. We are on the side of the enormous amount of work that went into that review, led by Mr Ed Willett. We do not support the hijacking of the bill by appointing two MUA officials to the council, which was never part of the review, the recommendations or the original bill proposed by the Government. The bill has been hijacked. Those opposite just want to look after their union mates, the same union mates that were out there on Macquarie Street yesterday protesting against the appointment of a CFMEU administrator. The Opposition absolutely rejects the amended bill in its entirety.

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

**The House divided.**

Ayes .....23  
Noes .....17  
Majority.....6

#### AYES

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

#### NOES

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

**Motion agreed to.**

#### *Committees*

### JOINT SELECT COMMITTEE ON THE GREATER SYDNEY PARKLANDS TRUST

#### Establishment and Membership

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (16:37):** I move:

- (1) That this House agrees to the resolution in the Legislative Assembly's message of Wednesday 14 August 2024 relating to the appointment of a Joint Select Committee on the Greater Sydney Parklands Trust, with the following amendment, in which the concurrence of the Legislative Assembly is requested:  

In paragraph (5) (b) omit "three Legislative Council members" and insert instead "five Legislative Council members".
- (2) That the representatives of the Legislative Council on the Joint Select Committee on the Greater Sydney Parklands Trust be the Hon. Robert Borsak, Ms Cate Faehrmann, the Hon. Jacqui Munro, the Hon. Cameron Murphy and the Hon. Peter Primrose.
- (3) That this House requests that the Clerk of the Legislative Assembly set the time and place of the first meeting.

The Greater Sydney Parklands Trust Act 2022 came into effect on 1 July 2022. The parklands estate includes the lands within—

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** Order! I am having trouble hearing the Minister. Most of the conversation is coming from her side of the Chamber. As she is the team captain, I ask her to pull Government members into line. The Minister has the call. She will be heard in silence.

**The Hon. PENNY SHARPE:** Thank you, Mr Deputy President. I am sure that my team will pay attention to your ruling. The parklands estate includes the lands within Centennial Parklands, Callan Park, Parramatta Park, Western Sydney Parklands and Fernhill Estate. As the Government continues to implement its housing agenda, it is timely that a review of the Greater Sydney Parklands Act takes place to make sure the objects of the Act continue to deliver for the people of New South Wales.

The joint select committee is to review the Act to determine whether its policy objectives remain valid and its terms remain appropriate for securing those objectives. The Government is focused on delivering more diverse and well-located housing for young people, particularly young families. Getting more people into homes through increased density needs to be supported with more quality open space. The review of the Act will make sure that the parklands estate responds to the diverse needs of the community right across metropolitan Sydney. I thank the nominated members of the committee.

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

**Motion agreed to.**

### Messages

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

That a message be forwarded to the Legislative Assembly conveying the terms of the resolution agreed to by the House.

**Motion agreed to.**

### Bills

## CHILD PROTECTION (OFFENDERS REGISTRATION) 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) (16:41):** I move:

That this bill be now read a second time.

The Government is pleased to introduce the Child Protection (Offenders Registration) Amendment Bill 2024. The bill makes important amendments to the Child Protection (Offenders Registration) Act 2000 to ensure that the Act remains fit for purpose in meeting its statutory obligations of protecting children from serious harm, ensuring the early detection of offences by recidivist child sex offenders, monitoring persons who are registrable persons and ensuring registrable persons comply with the Act.

Child sex offender registration schemes are used in other jurisdictions across Australia and many other countries around the world. They enable police to monitor registrable persons and reduce the risks of recidivist offending, which causes significant harms to children. In New South Wales, the Child Protection (Offenders Registration) Act applies to certain "registrable" persons who have been convicted of sexual offences against or in relation to children, certain violent offences against children and offences for producing, disseminating or possessing child abuse material. The Act requires those convicted offenders to register with the NSW Police Force and to report certain personal information while they are in the community. The Act also requires registered persons to report changes to that information.

The child protection offenders registration scheme in New South Wales is a critical component of the State's response to the risks associated with offenders who have offended against children while they are in the community. The bill will significantly strengthen the current regime to ensure that our children are better protected from further potential harms posed by persons who have been convicted of serious sexual and violent offences against children. The bill will make it easier for police to detect if a registrable person breaches their reporting requirements and to take the appropriate action.

To achieve those outcomes, the bill ensures that mandatory reporting obligations apply to a greater range of serious offences against children. The bill also applies more stringent reporting obligations to persons on the register and strengthens the powers available to police to ensure those persons are complying with their obligations. The reforms are intended to ensure the Act remains fit for purpose and that police are equipped with the information and tools they need to respond to risks to our children in the community. Further, the bill makes improvements to ensure that registrable persons are advised of their reporting obligations as clearly, accurately and quickly as possible. That will provide certainty to convicted offenders and police about when reporting obligations apply, and it will also reduce the risk of errors occurring in the application of the child protection offenders registration scheme.

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

### **Leave granted.**

The proposed improvements in the bill have been informed by the important comments made in the Law Enforcement Conduct Commission's Operation Tusk final report in 2019 and a subsequent review of the Act by the NSW Police Force. Operation Tusk identified that a range of complexities in the current Act contributed to a significant number of errors being made in relation to the administration of the child protection offenders registration scheme. The reforms in the bill will substantially reduce the risk of those types of errors in the future and will give the community confidence that reporting obligations for registrable offenders are being applied correctly and swiftly.

I now turn to the details of the bill. New section 2D sets out the offences that are registrable, separated as class 1 and class 2 offences. That is the same classification system used under the current Act. Class 1 offences are considered the most serious offences and therefore attract longer reporting periods under the regime. To improve clarity, the bill provides that class 1 and class 2 offences will now be listed in schedules 1A and 1B to the Act. Those schedules also detail the circumstances in which the offences attract registration. Importantly, additional New South Wales and Commonwealth offences that relate to the safety of children have been included in the new schedules.

For example, a New South Wales-based offence under section 45 of the Crimes Act 1900, which relates to genital mutilation of a female child, has been added to schedule 1A. A New South Wales-based offence under section 91HAA of the Crimes Act, which relates to administering a digital platform used to deal with child abuse material, has been added to schedule 1B. Offences that relate to recording and distributing intimate images of a child without consent under sections 91P, 91Q and 91R of the Crimes Act have also been included in schedule 1B as class 2 offences. However, these offences will only be registrable for convicted offenders under the age of 21 where the offender has previously been found guilty of one or more offences under sections 91P, 91Q and 91R of the Crimes Act in circumstances where the victim is or appears to be less than 16 years of age.

New Commonwealth offences that have been added to new schedule 1A include certain crimes against humanity under subdivision C of chapter 8 of the Criminal Code Act 1995, such as sexual slavery, enforced prostitution and enforced pregnancy where the victim is a child. Other Commonwealth offences, such as possessing or controlling child abuse material obtained or accessed using a carriage service, which is Commonwealth Criminal Code section 474.22A, and grooming a person to make it easier to engage in sexual activity with a child outside Australia, which is Commonwealth Criminal Code Section 272.15A, have been included in new schedule 1B.

New part 2A introduces a new requirement for judicial officers that sentence a person for a registrable offence to issue an order that states that a person is a registrable person and which specifies the reporting period applicable to that person. New section 3C achieves this by providing that a court that sentences an adult for a registrable offence must make a registrable person order unless no conviction order is imposed under section 10 of the Crimes (Sentencing Procedure) Act 1999. Proposed amendments to section 3A of the Act will ensure that a person who is subject to a registrable person order becomes a registrable person under the Act.

Under new section 3C (3), the registrable person order made by the sentencing court must specify a reporting period that is calculated in accordance with new section 3I. This carries across the current settings in the Act, which specifies that an adult registrable person can be subject to a reporting period of either eight years, 15 years or life, depending on the classification of the offences for which they are sentenced and their criminal history. In most circumstances, it is expected that the identification of registrable persons and their reporting period should be a simple task for sentencing courts.

However, in the event the legislative requirements imposed by new part 2A are misapplied, an amendment to section 43 of the Crimes (Sentencing Procedure) Act 1999 has been included in the bill, which will allow for the proceedings to be reopened to correct a registrable person order that is made contrary to law, such as by specifying an incorrect reporting period or failing to impose a registrable person order that is required by law. It is intended that the use that is made of this provision will be the same as how it applies to the correction of similar types of errors arising from time to time during criminal proceedings.

Those provisions respond to concerns that were identified during Operation Tusk arising from the NSW Police Force assuming responsibility for the task of identifying registrable offenders and their reporting periods. Under the bill, this function will be done by judicial officers in court at the time of sentencing. It is expected that prosecutors will assist courts to make registrable person orders during sentencing hearings in accordance with their ordinary duties to assist the court arising under both the Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015 and the Legal Profession Uniform Conduct (Barristers) Rules 2015.

I emphasise that, with a couple of exceptions, which I will come to, this bill does not change the settings in the current Act that require mandatory registration and reporting obligations for adults convicted and sentenced for registrable offences. However, new section 2E provides for an expanded discretion for a court to treat two or more offences as a single offence for the purposes of the Act, including the calculation of reporting period—if the court is satisfied it is appropriate to do so. If a court is minded to treat two or more offences as a single offence, the calculation to be applied to determine a reporting period will still be that which is outlined under new section 3I. New section 2E states that matters that may be relevant to a court's decision to treat multiple offences as a single offence include: whether the offences are of the same kind, whether the offences were committed against the same person, or whether the offences were committed close in time to each other, along with any other matters prescribed in the regulations.

The bill also provides for more discretion for the courts in relation to registrable offences committed by children. Under new section 3C (1) (b), when a person under the age of 18 is sentenced for a registrable offence, a registrable person order will only be required if the court imposes a sentence other than a non-conviction order, a registrable person order is requested by the prosecution and the court is satisfied the order is necessary because the person poses a risk to the lives or sexual safety of one or more children or of children generally. The updated approach in relation to persons under the age of 18 who commit registrable offences strikes the right balance between ensuring the most serious offenders can still be subject to registration requirements and alleviating the burdens of reporting for people under 18 who are unlikely to pose an ongoing risk to the lives or sexual safety of other children.

The bill also includes a range of procedural matters that will ensure registrable person orders are clear and commence as soon as registered persons enter the community. In particular, new section 3J provides that a court that makes a registrable person order or child protection registration order must, when the order is made, arrange for a copy of the order to be given to the registrable person and, as soon as practicable after the order is made, give a copy of the order to the Commissioner of Police and any supervising authority for the person. Additionally, new section 3J (2) provides that, when a court makes a registrable person order or a child protection registration order, the court must arrange for the person subject to the order to be given written notice of their reporting obligations and the consequences for failing to comply with those obligations.

It is intended that this should occur as soon as possible after the order is made, such as before the registrable person leaves court, to ensure that there is no delay between the time that a person is registered and when they are given notice. All reasonable steps must also be taken to verbally explain the reporting obligations and consequences of failing to comply to the registrable person in language they can understand. New section 3K provides that, if a registrable person has been given a copy of their order and written notice of their reporting obligations and the consequences for failing to comply in accordance with new section 3J, then they can be taken to know that they are a registrable person, the length of their reporting period and their reporting obligations.

New section 3CA clarifies that a registrable person order is not part of the sentence imposed for the registrable offence that gave rise to the order. Further, new section 3CA (2) states that, if an appeal is made against the conviction or sentence imposed for a registrable offence, the relevant registrable person order will not be stayed and continues in force. However, if an appeal against a conviction or sentence is successful, new section 3CA (3) enables an appellate court to revoke a registrable person order if it was not required to be made under the Act if the decision of the appeal court was the original decision at the sentencing. Similarly, appellate courts may amend a registrable person order or the reporting period specified in an order if a different reporting period would be required if the decision of the appeal court were the original decision of the sentencing court.

The bill also introduces new part 2B, which clarifies requirements in respect of "corresponding registrable persons". This term generally refers to persons who enter New South Wales while they are subject to a requirement in another jurisdiction to report to an equivalent register. The Act already requires corresponding registrable persons entering New South Wales to comply with New South Wales reporting requirements so that the NSW Police Force can respond appropriately to any risk that may present while they are in New South Wales. New section 3M of the bill creates a new requirement for corresponding registrable persons to report certain information to the Commissioner of Police within five days of their arrival in New South Wales and before they leave New South Wales.

This reduces the existing time frame for corresponding registrable persons entering New South Wales to report personal information to the NSW Police Force by two days—that is, from seven days to five days—to better protect children in the New South Wales community. This requirement will not apply to persons who have given a full personal information report to the Commissioner of Police within the previous 12 months. New section 3M (2) sets out the information which must be reported by the corresponding registrable person before the end of the five-day period and before they leave New South Wales. This has been streamlined from the requirements in the current Act to allow the NSW Police Force to appropriately monitor risks posed by corresponding registrable persons and respond to any issues that may arise in New South Wales.

While there is ordinarily a defence available to registrable persons in proceedings for alleged failures to comply with reporting obligations had the person not received notice or was otherwise unaware of the person's reporting obligations, the bill proposes amendments to section 17 to provide that this does not apply in respect of the failure to comply with the requirement in new section 3M. This makes it clear that New South Wales police do not have to identify and notify a person who has entered New South Wales and inform them of their requirements to report within five days for this requirement to have effect. When this requirement commences, the NSW Police Force will advise other State and Territory police of this new requirement applying to corresponding registrable persons who enter New South Wales.

However, the expectation is that the onus will be on corresponding registrable persons to report the information required under the legislation when they arrive in New South Wales. This is a reasonable expectation to apply in respect of people who are already subject to reporting obligations in other jurisdictions and who enter New South Wales while these restrictions are still active. New section 3M (6) of the bill provides for the regulations to prescribe locations outside of New South Wales where residents who are corresponding registrable persons will only need to provide this new report if they are in New South Wales for a period of 24 hours or more. It is intended that the regulations will prescribe locations such as border towns where residents may have cause to enter New South Wales on a day-to-day basis.



New section 3N sets out requirements for the Commissioner of Police to cause written notice to be given to corresponding registrable persons that intend to stay in New South Wales for 14 days or longer. Under new section 3N (2), these persons must be given notice of their reporting obligations, including the length of their reporting period in New South Wales. New section 3N (5) is relevant to the calculation of the person's reporting period in New South Wales. This section provides that a person must comply with reporting obligations under the Act for the longest reporting period that they are subject under another jurisdiction, or the period that would apply to them if they had been sentenced in New South Wales, whichever is longer. This ensures that the periods of obligations applying to corresponding registrable persons who move to New South Wales permanently are accurate, and that people cannot evade or reduce requirements applying to them by moving between jurisdictions.

The bill also makes amendments to the reporting obligations that a registrable person must comply with. Consistent with the current reporting framework in the Act, new section 10 in the bill requires registrable persons to give the Commissioner of Police a personal information report each year during their reporting period. New section 10A requires registrable persons to report changes to their relevant personal information. New section 11 requires them to report certain kinds of contact with children to the Commissioner of Police within 24 hours. Most personal information that is required to be reported by the registrable person will be set out in new schedule 1C and aligns with existing requirements.

However, a few important additions have been made that reflect advice from police. This includes making it clear that registrable persons are required to report web-based services, platforms, apps and games that can be used to communicate with others online, reflecting the concerning reality that many persons who prey on children may use these services and online games to contact and groom victims. However, recognising that risks to children are much less when these services relate to government services—such as the Service NSW app—or online banking services, the bill provides that the use of these types of services does not need to be reported as a web-based service used by the person, as well as any other services identified as low risk that are included in the regulations.

An updated definition of "relevant vehicle and other transport" in new section 2H of the bill will also ensure a range of motor vehicles, caravans, trailers, vessels and aircraft will need to be reported to the police. The bill also proposes amendments to require registrable persons to report changes in their personal information to police more promptly. New section 10A provides that most changes in relevant personal information must be reported within five days of the change occurring. This is a reduction from the current requirement to report these changes to police within seven days and an important enhancement to improve the timeliness of information to police.

When a registrable person has certain kinds of contact with a child, new section 10A (1) (a) (i) and section 11 make clear that this must be reported within 24 hours. This ensures that certain contact with children, such as supervising or caring for a child, visiting or staying at a household where a child is present, exchanging contact details with a child, befriending a child or attempting to establish further contact with a child is reported within 24 hours of that occurring. New sections 16C and 16D of the bill include enhancements to the powers afforded to police officers to ensure compliance amongst registrable persons with their reporting obligations.

Currently the Act provides for one annual inspection of a person's reported residential premises by a police officer. New section 16D (1) strengthens this power by providing that inspections can happen up to two times a year in respect of each residential premises identified or required to be identified by a registered person in a personal information report. New section 16D (2) of the bill provides that further inspections can be authorised by a senior police officer of the rank of superintendent or above if they have a reasonable suspicion that an offence has been committed under the Act and has not previously been dealt with.

New section 16C (2) also makes clear that the power of entry and inspection also authorises the entry into and inspection of relevant vehicles and other transport of the registrable person, and access to information held on or accessed by or from an electronic or other device at the premises or in the relevant vehicle or other transport. New section 16C (5) confirms it is a reporting obligation of a registrable person to cooperate with a police officer entering and inspecting their residential premises, including by giving the police officer information or assistance reasonably necessary for the officer to view or access data held in or accessible from an electronic or other device.

The bill also makes a range of miscellaneous procedural and administrative amendments that will enhance the operation of the scheme and ensure that its existing policy objectives are achieved. I will mention some of these briefly. New section 11G provides that a registrable person may apply to the Commissioner of Police for approval to travel outside Australia for the purposes of section 271A.1 (3) of the Commonwealth Criminal Code Act 1995. This section of the Commonwealth Act provides that it is not an offence for a person whose name is entered into a child protection offender register to travel outside of Australia if they have been granted permission by a competent authority.

New section 23 requires the administration of the Child Protection Register to be audited at least every two years. It is intended that this audit focus on the administration of the register by the Commissioner of Police, including matters relating to the identification of registrable persons, the application of notification requirements and the administration concerning their reporting periods. Further details concerning the conduct and publication of the audits will be set out in the regulations. New section 24 provides for administrative review, by the Civil and Administrative Tribunal, of certain decisions made by New South Wales police under the Act. New section 25 provides for a review of the amendments introduced by this bill to be conducted by the Minister responsible for the Act as soon as possible two years after the commencement of these reforms.

The savings, transitional and other provisions in schedule 2 provide important clarity to ensure that, when commenced, the provisions operate smoothly and fairly for registrable persons. First, it is intended that the proposed new requirement for courts to make a registrable person order when sentencing for registrable offences does not apply to persons who were sentenced before the commencement of the reforms. Second, the bill also creates a limited power for the Commissioner of Police to exempt current registrable persons from reporting obligations if they only have those obligations because of registrable offences that they committed as children. This recognises that there are current registrable persons that may not have been subject to reporting obligations if the approach proposed in the bill for child offenders was in place when they were sentenced. The bill proposes the details of how this mechanism will be set out in the regulations.

Finally, I note that the matters included in this bill are numerous and will require a range of implementation support and communication updates to ensure they can commence smoothly. This will involve a range of work by government agencies to support the new orders required to be made by the court system under these reforms. Accordingly, the bill is proposed to commence upon proclamation, to ensure that supporting arrangements are in place before the commencement.

It saddens me, as I am sure it does everybody in this place, that we live in a world where persons commit sexual and violent offences against children. I am thankful for the work of New South Wales police in responding to these hideous events when they occur, and for the work they do in administering the child protection offender registration scheme to monitor and reduce risks of further offending. This bill includes a range of important reforms that will enhance the effectiveness of the scheme in New South Wales. This scheme works alongside criminal offences for offences against children and other legislative regimes designed to reduce risks posed to children, and it is important that we get the settings right to ensure that we are vigilant in protecting children in this State. I commend the bill to the House.

### Second Reading Debate

**The Hon. SUSAN CARTER (16:44):** I lead for the Opposition in debate on the Child Protection (Offenders Registration) Amendment Bill 2024. The Opposition is happy to support the bill. We recognise that the protection of children is one of the first duties of not just government but also each person. Abuse is abhorrent, and it is made worse by the fact that it is a betrayal of the duty we share and a betrayal of a child's trust and innocence. To the extent that the bill makes important changes to the Child Protection (Offenders Registration) Act 2000 to ensure that it remains fit for purpose and continues to protect children from serious harm, the Opposition is happy to support it. We note the emphasis in the bill on ensuring the early detection of offences by recidivist child sex offenders and the improved monitoring of registrable persons.

The principal Act requires convicted offenders to register with the NSW Police Force, to report certain personal information while they are in the community and also to report changes to that information. We rely on that system to work well to ensure the ongoing safety of our children. However, it is clear that issues have arisen. Indeed, the NSW Police Force was proactive in identifying and referring those issues to the Law Enforcement Corruption Commission to be addressed—initially in the report of Operation Tuskett, and now in this legislation. We want to ensure that offenders in the community have the correct reporting requirements. We do not want any risk to community safety in that regard. It was apparent that there was confusion around responsibilities between police officers, judicial officers and convicted offenders. The bill addresses those issues. I thank those involved with Operation Tuskett for the attention they gave to those matters.

The bill also makes it clear that registrable persons are required to report web-based services, platforms, apps and games that can be used to communicate with others online. That reflects the sad reality that many persons who prey on children use those services and online games to contact and groom victims. There is room in the Act, as it is presented, to strengthen the current provisions. I understand that amendments to the bill have been foreshadowed, and I am happy to support them.

The bill makes a number of amendments to the procedure and administration of the Act. It marks clearer responsibilities between the police and the courts, and it also applies stricter reporting requirements to ensure any adult convicted of a registrable offence becomes a registered person and is required to report to the New South Wales police. The Opposition is happy to support all of those amendments. However, one important aspect relating to the bill should be highlighted. It is clear that judicial officers will take on more of the administrative duties and will be responsible for the application of many of the reforms outlined in the bill. The Opposition has no problem with that. It is entirely appropriate. However, the effectiveness of the reforms hinges not simply on what happens in the legislation, but also on the resourcing that is in place to ensure that those reforms are properly implemented.

That was a concern with some of the measures that have been introduced to date. It continues to be a concern in some respects. The efficient and effective operation of the justice system is as important to the maintenance of the rule of law as is a transparent and fair judicial process. That matter was raised by my colleague the member for Bathurst in the other place. I note that the police Minister has indicated that appropriate resourcing will be considered as part of implementation of the reforms, and the courts will be closely consulted as part of the process.

That is a good first step, but it is not sufficient to simply consider appropriate resourcing. It must be provided, or else this legislation will simply be an ineffective announcement without any real results to protect the children of New South Wales. These changes must be budgeted for and must be included in any announcement for it to be meaningful. We take the Government's commitment in good faith, but we will be watching to ensure that it is delivered. This bill works to protect the children of New South Wales from harm, and as such, the Opposition is very happy to support it.

**The Hon. JEREMY BUCKINGHAM (16:49):** The Legalise Cannabis Party supports the Child Protection (Offenders Registration) Amendment Bill 2024, which seeks to amend the Child Protection (Offenders Registration) Act 2000. A 2019 review by the Law Enforcement Conduct Commission found that, since 2002, there had been more than 700 errors in police implementing the current register, and that reform was necessary. The Legalise Cannabis Party supports the amendments, which will tighten mandatory reporting obligations for offenders convicted of registrable offences relating to child abuse. Class 1 offences include child murder, female child genital mutilation, aggravated sexual assault of a child, sexual intercourse with a child under 10, sexual

offences with a child with cognitive impairment, incest with a child less than age 18 years of age and crimes against humanity, including the rape of a child, war crimes and the sexual slavery of a child—the most egregious of all offences.

These predators have already harmed children very badly. They cannot be trusted, and their behaviour is often ongoing. They need to be monitored effectively to mitigate the opportunity for them to do it again. The community expects strong reporting obligations and inspection powers for police to protect children from registrable offenders. The amendments mean the judge, instead of the police, will decide how long the criminal needs to be tracked. Depending on the severity of the offences committed, an adult offender may be subject to the register for a period of eight years, 15 years or for life. Information held on the register is not public, and access to the register is limited to police officers who are responsible for monitoring registrable persons. There is a requirement under new section 3C (1) (b) that children who commit sexual crimes against other children will not be put on the register unless the sentencing court is satisfied that the registrable person order is necessary because the person poses a risk to the lives or sexual safety of children.

A registrable person currently has seven days to report to the police that they are crossing borders, changing addresses or buying a new vehicle. That will be reduced to five days, which is a measure that the Legalise Cannabis Party supports. Currently, police can enter and inspect the registrable person's residential premises once per year. That will increase to twice per year, and a senior police officer can approve more checks. The offender will also be required to provide their telephone number, internet usernames and online gaming handles. I will move an amendment in the Committee stage to stop people on the register playing computer games with children, which is a measure that will improve the bill. Technology is changing, so the devious behaviour of perpetrators accessing children through it needs to be thwarted. The effectiveness of this amendment will be considered in the statutory review, which I welcome and will be paying attention to. I commend the Minister and all those who worked on the bill. I commend the bill to the House.

**Ms SUE HIGGINSON (16:53):** The Greens support the Child Protection (Offenders Registration) Amendment Bill 2024. I note the significant work that was undertaken by the Law Enforcement Conduct Commission through Operation Tuskett and reinforce the importance of the LECC as an oversight and integrity authority. It will come as no surprise to anyone in this place that I am a fan of the work of the LECC. I wish they had more resources and powers to do more good work and make good recommendations. Their proactive reports concern how we can improve police integrity, and also address really important matters like protecting children. The bill represents the final suite of reforms recommended five years ago that were not prioritised by the former Government before it lost power. As I understand it, the reforms were a priority for the Government following the election last year.

It is worth noting that the findings and recommendations of Operation Tuskett discovered unlawful applications in the use and terms for some registrable people that has meant that an uneven application of the law and justice has occurred. There are still legal processes underway that could result in New South Wales continuing to be financially liable for those incorrect applications of the registrable persons powers. It is a really important power and it is more important to get it right. The errors in the application of the provisions were found to be quite regular and were attributed to the New South Wales police being made responsible for the conditions set for registrable persons, a circumstance that was not intended when the legislation was written. Making the conditions for registrable people a clear responsibility for the judiciary should correct that error.

The bill will also improve monitoring functions for registrable people to assist in better and earlier detection of recidivist child sex offences, and should ensure that fewer children and young people are at risk from offenders. It should be noted that The Greens have concerns about further powers for police to inspect electronic devices, in this case specifically during home visits. To be clear, we do not oppose the inspection of electronic devices that belong to registrable people. The inspection of electronic devices to ensure the protection of children and young people from child sex offenders is paramount. The legislation will explicitly give the power to police to require a registrable person to unlock and display an electronic device during a home inspection. The protection for other people that live at the same residence is that the powers of inspection do not extend to areas that are exclusively not used by the registrable person.

In practice, electronic devices in modern homes are not usually contained to exclusive areas, such as bedrooms or private offices. We see a risk that a non-registrable person could have their electronic device subjected to the requirement that it be unlocked and displayed without their consent or knowledge. That creates a risk that minor and non-child sex offences could be detected during a home inspection that involve a person that is not subject to the conditions applied to the registrable person that they might share a home with. We have particular concern about the likelihood of detecting minor drug offences or protest activity, or whatever, that might or might not be unlawful. This could lead to more frequent and unnecessary exposure of people to the criminal

justice system for minor and non-violent crime. That is particularly true as New South Wales continues down the path of more draconian anti-protest laws and political intolerance for all sorts of non-violent civil disobedience.

Despite the concerns and considering the seriousness of child sex offences, The Greens will not be moving amendments to address that, but we put our view on the record. The risk matrix when protecting children and young people from sexual violence in all circumstances outweighs our other concerns on this occasion. I thank the Government for providing fulsome information through briefings and the opportunity to have various concerns addressed through that process. We sometimes exercise that invitation very intensively, and we are very grateful to be able to discuss and sight the line of the application of these laws from the back to the front of the law enforcement bodies in the State. The Greens support the bill.

**The Hon. STEPHEN LAWRENCE (16:58):** I make a brief contribution to the debate on the Child Protection (Offenders Registration) Amendment Bill 2024. It is an important bill that amends a really important piece of legislation to protect children and also places considerable obligations on people who are engaged by the Act. I focus on a particular part of the bill in my contribution, which is the enhanced role of the court in making orders that declare the application of the Act. That is particularly important. The bill undertakes a comprehensive revamp of the Act. It increases enforcement powers. In some respects, it makes the Act more stringent in both its application and the requirements it imposes on people on the register. It also extends the offences to which the register applies.

Importantly, it amends section 43 of the Crimes (Sentencing Procedure) Act. It brings that section into play to allow the reopening of orders made under the Act. That is quite important because there is no statutory appeal of those particular orders. At the moment, a person must go to the supervisory jurisdiction of the Supreme Court to challenge the application of the Act. People have done that in a number of cases, but it is obviously a complex, time-consuming and expensive way to do so.

Normally, statutory appeals are preferable and much easier for people to access justice. That is connected to the scheme of the Act at the moment, which is that the court does not make an order that the person is registered. Rather, the police administratively apply the Act to people. There have been instances where the police have done so incorrectly. The cases that I am aware of have generally turned on technical issues in the definition of the different offence categories that the Act operates upon. Some people have successfully challenged those decisions.

As I said, going to the Supreme Court poses real issues in terms of access to justice. To me, it seems very prudent to bring into play the power to reopen proceedings under the Crimes (Sentencing Procedure) Act, allowing people to use that route. It also changes some preconditions for making an order. Importantly, it provides the court with new discretion to not apply the provisions of the Act to a child in circumstances where they would previously have been applied.

Having practised in the criminal law for some time, I have known of and appeared in cases where courts have expressed concern about the application of the Act to children but had no discretion in terms of whether the Act would be applied. People would simply be told that it would be applied to them. It is one of an increasing number of pieces of legislation that apply collateral consequence to a conviction. Increasingly, it is a facet of our law that people get convicted or otherwise dealt with in criminal proceedings and lots of other consequences flow, such as impacts on licences and security licences, being placed on registers, eligibility for the Working with Children Check and so forth.

It has been quite an unsatisfactory aspect of numerous of regimes that people are not told at the time of sentence that those regimes will apply. I can specifically recall in my practice in the law a number of cases in which people came to me without having been told at the point of sentence that the Act would apply to them. They then got, in effect, a letter in the mail saying that the Act, or other Acts of a similar nature where collateral consequences are applied, would be applied to them. The law is a bit opaque on that aspect, so I particularly speak in support of the reforms of the bill to ensure that convicted child sex offenders who are required to register with police and report their information are promptly informed of their obligations by the court at the time they are sentenced for an offence to which the Act applies.

That is a good thing for the reasons I have spoken of, but also because the safety of children in our community is best served by the Act when persons subjected to reporting obligations are provided clear, accurate and definitive advice about their requirements to report as soon as possible after conviction for their offence. If there is uncertainty or delay in them receiving this advice, this could place children at risk if the offender is in the community without knowing that they have to report. Police and other agency resources may also be unnecessarily diverted to tasks connected to identifying and advising people of their reporting obligations, rather than focusing on monitoring and managing risks presented to children.

The bill addresses this clearly by setting out that judicial officers make orders about the person's status and their reporting period during sentencing hearings. This is an important change that will strengthen the Child Protection Register by invoking the expertise of judicial officers who are experienced in applying different statutory regimes to varying scenarios. This will minimise the risk of error in applying the legislative requirements, as well as ensuring that, when a person has been sentenced, there is clear advice provided concerning their obligations.

The bill will also improve the operation of the current Act in terms of notifying offenders of their reporting obligations. It is important to note that for adult offenders who commit a registrable offence, the bill does not change the settings in the current Act that require mandatory registration and reporting obligations for adults convicted and sentenced for registrable offences. It is different in respect of children, and earlier I spoke about the discretion that the Act creates. The bill does not change the time periods for which such offenders must report, with reporting periods to be applied to registrable persons, still, of eight years, 15 years or the rest of their life, depending on the number and timing of the offences to which the Act applies that they have committed in their life.

Other provisions in the bill ensure that the advice provided to persons receiving these orders by the court and subject to reporting periods include notices that clearly set out their obligations and the consequences of not complying. Such consequences can include offences of penalties of up to five years imprisonment for noncompliance with obligations without reasonable excuse. This reflects the seriousness with which the Government views the reporting obligations under this scheme and the risks presented to children by convicted child sex offenders living in the community who ignore their reporting obligations.

Given this seriousness, it is appropriate that the bill introduces requirements for sentencing courts to explain the registrable person order to the person that is subject to the order in language they can readily understand. To ensure this explanation is provided, the bill inserts a new ability for sentencing courts to require registrable persons to remain in court until their reporting obligations have been explained. This is intended to ensure the community can be confident that offenders leave court proceedings with a clear understanding of what is required of them and of the potential for further legal action if they do not comply with the legislation. Another benefit of involving court at the time of sentencing in the making of these orders is that it should also improve the accuracy and consistency of the regime in notifying registrable persons of their reporting obligations. As has been earlier referred to, this has been an issue historically in the New South Wales scheme. The Law Enforcement Conduct Commission in the recent Operation Tusk final report identified a number of errors in this respect.

The Government is confident that requiring judicial officers to make registration decisions will significantly enhance the application of the important registration and reporting requirements under the Child Protection Register legislation regime. Collectively, the measures in the bill will significantly improve the overall operation of the child protection registration scheme in New South Wales and will contribute to keeping our children safe from the risks that can be presented by offenders who have committed offences against children. I commend the bill to the House.

**The Hon. AILEEN MacDONALD (17:08):** I make a short contribution in support of the Child Protection (Offenders Registration) Amendment Bill 2024. The bill will strengthen the ability of the NSW Police Force to protect children and young people. As the shadow Minister for Youth Justice, I will always put the protection of our young people first. Child abuse, whether physical, emotional or sexual, is a grievous violation of trust and innocence, with lifelong impacts on victims. The trauma inflicted on children often results in lasting psychological, emotional and physical damage, resulting in anxiety, depression and difficulties in forming healthy relationships.

I take this opportunity to thank New South Wales police officers for their tireless work in targeting and monitoring child sex offenders. It is a confronting and challenging job but essential for the safety of our children. The bill not only addresses critical administrative processes and clarifies the responsibilities of police and the courts but also applies stricter reporting requirements to ensure that registrable individuals are appropriately managed. It is a step in the right direction to further protect our children.

I support the bill because whatever we can do to make the job of police and the courts easier can only be a good thing. I think we all agree that is a step in the right direction. However, I urge the Minister to ensure that the courts, particularly in regional and rural communities, are resourced to implement the reforms effectively. If additional resources are needed, they should be made available promptly to ensure the success of the reforms. Child abuse of any form is an insidious crime and needs to be eradicated. This reform will enhance security for children, reduce the risk of reoffending and provide greater certainty for victims. The Coalition supports the bill.

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (17:10):** In reply: I thank all members for their contributions to

the debate—the Hon. Susan Carter, the Hon. Jeremy Buckingham, Ms Sue Higginson, the Hon. Stephen Lawrence and the Hon. Aileen MacDonald. The Child Protection (Offenders Registration) Amendment Bill 2024 is an important bill that makes significant amendments to the Child Protection (Offenders Registration) Act 2000 to ensure that it remains fit for purpose in meeting its statutory objectives of protecting children from serious harm, ensuring the early detection of offences by recidivist child sex offenders, monitoring registrable persons and ensuring that registrable persons comply with their obligations under the Act. The reforms in the bill will also substantially reduce the risk of errors in the administration of the register and give the community confidence that reporting obligations for registrable offenders are being applied correctly and swiftly.

I make the following comments in response to matters raised during the debate. In regard to the comments made by Ms Sue Higginson concerning the exercise of residential premises inspections by the NSW Police Force, the bill makes it clear that the inspection process is to be exercised for the purpose of verifying relevant personal information reported by the registrable person or to determine whether the registrable person is complying with the purpose of the Act. This inspection power is focused on registrable persons and not third parties, such as any persons living in the same premises. I am advised that police conduct those inspections in a manner cognisant of situations where other persons are present at a residence at the time of inspection, including persons who may not be aware that the person is a registrable person.

If police identify evidence suggesting other offending in the course of an inspection, it is appropriate that they consider the use of powers provided for under the Act or other legislation to appropriately respond to that suspected offending. For example, if police identify child sex abuse material or evidence of other offences involving children, it is appropriate that they consider any available legislative powers to progress any further investigations that may be required. In relation to the comments from the Hon. Susan Carter on implementation in the courts, I refer to the contribution of the Minister for Police and Counter-terrorism on this issue in the other place. In relation to the comments from the Hon. Jeremy Buckingham, we thank him for his support of the bill and note that he has proposed amendments that will be considered shortly in Committee.

The child protection offenders registration scheme in New South Wales is a critical component of the State's response to the risks associated with offenders who have offended against children while they are in the community. The bill will significantly strengthen the current regime to ensure that our children are better protected from further harms posed by persons convicted of serious sexual and violent offences against children. This Government fully supports the important work that the police do to monitor compliance of registrable persons with their obligations under the Act and to take action in the event of a breach. I acknowledge the work of the Minister for Police and Counter-terrorism and her team in bringing the bill to fruition. 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. There is only one sheet with an amendment: the Legalise Cannabis Party amendment No. 1 on sheet c2024-153C. I invite the Hon. Jeremy Buckingham to move his amendment.

**The Hon. JEREMY BUCKINGHAM (17:16):** I move Legalise Cannabis Party amendment No. 1 on sheet c2024-153C:

**No. 1 Registrable persons prohibited from online gaming**

Page 20, Schedule 1. Insert after line 23—

**[55A] Section 19J**

Insert before section 20—

**19J Registrable persons must not engage in online gaming**

A registrable person must not, during the person's reporting period, use a digital platform or web-based service for the purposes of playing games if the platform or service allows for online communication with a child.

Maximum penalty—500 penalty units or imprisonment for 5 years, or both.

From the outset, I thank the Government and the various parties that have suggested that they will support the amendment. I thank the Minister's staff and the police who collaborated on bringing it to the House in this form. I also thank my staff, Louise and Peter, for engaging on the issue, which is a difficult thing to research and address, but it is an important amendment to an important bill. The amendment deals with the capacity of registrable persons to participate in online gaming with children. New section 5 (f) of the bill mentions some of the matters

that registrable persons must report such as "web-based services that allow for online communication, including accounts, user names and online gaming handles", and then there are some exclusions. In reading the legislation, it concerned me that allowing registrable persons to participate in some online games was a serious risk. We have heard again and again that some online spaces are not safe.

I provide some background. Roblox, a very popular online game, allows users to create and play games together, with no way to know if a player is an adult or a child. Users have a username and handle that does not indicate whether or not they are an adult or a child. The Roblox Corporation admits that some explicit content slips through the net and explained that it's a "cat-and-mouse issue". Roblox is one of the most concerning games. Roblox players can build games on the platform using the developer tools that the platform provides. They are commonly referred to on the platform as a "condo". They are places where people can talk about sex and where their avatars can have virtual sex. Part of the Roblox game includes instant messaging, where users can talk to each other. In an investigation in February this year entitled "Roblox: The children's game with a sex problem", the BBC noted that much of what is written on the chats in condos is unprintable on a grown-ups' news website, let alone in a children's game.

Predators exploit multiple platforms such as X—formerly Twitter—and Discord, often making it harder for parents and police to monitor. The long-term impacts on children in spaces like Roblox are equally concerning, as the anonymity and disinhibition associated with Roblox and other games like it lead to harmful behaviour by adults that can deeply affect minors and children. After building trust on gaming platforms, predators often move conversations to other, less monitored platforms like Discord, Telegram or Snapchat to avoid detection. Let us be clear: Our current laws are lagging behind the dangers that our children face online. The Child Protection (Offenders Registration) Amendment Bill is a step in the right direction but, in this area, it does not go far enough. As of December 2023, gaming corporation Roblox reported that 21 per cent of Roblox users worldwide were aged from nine to 12 years. Additionally, 21 per cent of Roblox game users were under the age of nine years. Even Roblox accepts there is a problem, stating, "We know there is an extremely small subset of users who deliberately try to break the rules."

That is why I am putting forward an amendment that cuts right to the heart of the issue. No registered offender, during the person's reporting period, should ever be allowed to use a digital platform to prey on children or even communicate with children. My amendment will make it crystal clear: If you are a registered offender, you are not getting near kids online through gaming platforms or messaging services, full stop. The penalty is tough, with up to five years in prison or a hefty fine. So it should be. We cannot afford to be soft on those who have abused children and abused the digital age to exploit the most vulnerable among us. This amendment ensures that we have the teeth to enforce real protection. It is time we step up, get serious and lock the door on predators trying to access our children's virtual worlds. I commend the amendment to the House.

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (17:21):** The Government supports the amendment proposed by the Hon. Jeremy Buckingham. We thank him for making this important contribution to the debate and for his collaborative engagement in discussing the content of the proposed amendment and its intended application. I also thank him for his engagement with the Government in developing the amendment to ensure that the proposed offence integrates with the Child Protection (Offenders Registration) Act as amended by the present bill. As pointed out by the Hon. Jeremy Buckingham, it is a sad and regrettable modern reality that some predators will engage with children online, and this amendment will contribute to the scheme that is being enhanced by the Government's bill. As a whole, the bill will strengthen the New South Wales child protection offenders registration regime and help it to meet its object of protecting children from serious harm.

**The Hon. SUSAN CARTER (17:23):** I indicate that the Opposition is very happy to accept this amendment and thanks the honourable member for bringing it to the House. I think every parent is well aware of the enormous attraction of online games, the way they are used as an almost constant communication channel by our children, and the frightening near impossibility of knowing with any certainty who your children are communicating with. Anything that we can do to make the online space safe for our children to grow, learn, explore and not be subject to predation is a very good thing, and this is a very important step in that regard.

**Ms SUE HIGGINSON (17:23):** The Greens also support this amendment, and I thank the member because there were a couple of changes from the amendment's first version to the current version, and those changes have made it supportable. I have not had any personal use or lived knowledge and experience of using these games, but I am familiar with young people and not-so-young people who access them. It is important to do whatever we can to try to make these platforms as low risk as possible. The bill has landed in a reasonable position to do that.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Jeremy Buckingham has moved Legalise Cannabis Party amendment No. 1 on sheet c2024-153C. The question is that the amendment be agreed to.

**Amendment agreed to.**

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

**Motion agreed to.**

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

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

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

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

That the report be adopted.

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

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

That this bill be now read a third time.

**Motion agreed to.****LOCAL GOVERNMENT AMENDMENT (RURAL AND REMOTE COUNCILS) 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) (17:26):** I move:

That this bill be now read a second time.

On behalf of the Government, representing the Minister for Local Government, I introduce to this place the Local Government Amendment (Rural and Remote Councils) Bill 2024 to amend the Local Government Act 1993 and establish rural and remote councils. The bill seeks to provide a pathway forward for Central Darling Shire Council in Far West New South Wales, which, for many years, has struggled to provide sustainable services under a traditional local government model. The bill sets out the Government's policy for ensuring stable representative democracy and the delivery of local services for councils in rural and remote areas, like Central Darling Shire Council, that run the risk of remaining in perpetual administration because the financial and governance risk to the community and the Government of returning to a traditional elected council is simply too high. The Government's rural and remote councils bill proposes a practical solution to address many of the challenges faced by Central Darling Shire Council.

A fundamental element of the Government's rural and remote council model is a new-look governing body, comprising a mix of local democratically elected councillors and government appointed councillors. As a rural and remote council, the Central Darling Shire Council will continue to have all of the same functions and powers as other local councils. The key difference is that a rural and remote council will have the added support of appointed councillors to assist in the long-term planning and delivery of services and infrastructure. All councillors, whether they are elected or appointed, will be required to work together to make decisions in the best interests of the community as a whole. The rural and remote council model also allows for the streamlining of costs so that the council can function more efficiently, and ensures that the council is well managed and can meet the needs of the community well into the future.

It is important to emphasise that there are no current plans to declare any other councils as rural and remote councils, but this model could be applied to other struggling councils in the future if they meet strict criteria, including being under administration. There is no doubt that this new rural and remote council model presents a positive way forward for the people of the Central Darling shire, returning to them a democratic voice for the first time in over a decade. More importantly, this model will set up the shire's vulnerable rural and remote communities for a more sustainable and positive future by not only safeguarding them against the risks of governance and financial failure but also enabling an effective and stable council that can plan for, advocate for and deliver important local services into the future. I acknowledge the work of the Minister for Local Government on the bill. I commend the bill to the House.

**Second Reading Debate**

**The Hon. NATASHA MACLAREN-JONES (17:29):** I speak in support of the Local Government Amendment (Rural and Remote Councils) Bill 2024. I note the Opposition moved amendments in the other place



pertaining to proclamation by the Governor. Those amendments allow for decisions to be made by the Minister by regulation, ensuring that the Parliament is able to scrutinise them and that they are subject to disallowance. The issues faced by the Central Darling Shire Council have been well canvassed, it having been in administration for over 10 years. The Central Darling shire is reliant on government funding to provide essential services due to its low population and rates base, socio-economic disadvantage, and the extremely high cost of providing both infrastructure and services. Furthermore, the shire's remoteness, dispersed towns and villages means that returning to a general-purpose local government council is not sustainable.

The bill will address the unique needs of any rural and remote council in administration by ensuring a governance model that will have the same powers and functions under the Local Government Act as general purpose councils, including the ability to raise rates, fees and charges locally. While the bill was designed to specifically assist the Central Darling Shire Council, it will also be available to other councils into the future. The bill will require a council to meet the strict eligibility criteria, ensuring accountability to the local community that it serves. A council must be made up of a mix of both elected and ministerial appointees, with appropriate skills, expertise or attributes to enable the council to run efficiently. Furthermore, the council will have the same legal status as a general-purpose local government council. This means that the Central Darling Shire Council will remain eligible for relevant State and Commonwealth grant funding, including Financial Assistance Grants.

The bill will streamline governance requirements, such as fewer councillors being required to meet at a minimum of only four times per year, while remaining consistent with the existing requirements of the Local Government Act for other meeting processes, planning, reporting and accountability. All members, whether elected or appointed, will be required to comply with the code of conduct, as per existing councillor requirements, with both existing conduct and investigation provisions applicable. The bill is essential, as rural and remote councils face distinct challenges that require targeted support. The bill will empower local decision-making and provide these councils with the tools and flexibility they need to support local development, economic growth, and improved service delivery.

**Dr AMANDA COHN (17:32):** On behalf of The Greens, as spokesperson for local government and spokesperson for western New South Wales, I contribute to debate on the Local Government Amendment (Rural and Remote Councils) Bill 2024. The Greens oppose the bill in its current form and will seek to move amendments. The bill establishes a new governance model for councils designated as "rural and remote councils" in New South Wales. It primarily targets, or at least initially targets, Central Darling Shire Council, which has been under administration for a painful 10 years.

The key objective of the bill is to amend the Local Government Act to redefine councillors, and to allow for councils designated rural and remote councils to comprise a combination of elected and appointed councillors. The Minister for Local Government would be empowered to designate a council as a "rural and remote council" for up to 10 years. It would also bestow upon the Minister the power to select the appointed councillors, including the chairperson. In his second reading speech, the Minister for Local Government said:

Since becoming Minister I have been working ... to return Central Darling Shire Council to democratically elected representation following over a decade of the council being in administration. I am pleased that through this bill we have the opportunity to achieve what we set out to do.

Compared with administration, under which communities of a local government area are denied any democratically elected representation or voice for a painful, frustrating and indeterminate period, the bill returns a portion of democratic representation back to the community. However, this version of so-called democracy involves the Minister granting himself the ability to appoint half of a sitting council, including the role of a chairperson with the ever-important power of a casting vote. The bill establishes a system in place of democratic representation, rather than restoring it.

The local government area that the bill initially targets, Central Darling shire, covers a mammoth area in Far West New South Wales. It is the largest incorporated local government area in the State. The shire encompasses the communities of Wilcannia, Menindee, Ivanhoe, Tilpa, White Cliffs, Darnick, Sunset Strip, Copi Hollow and Mossgiel. Central Darling shire is truly a unique case and place. With a land area the size of a small country, it is home to a small population and even fewer electors. Its population is considered low socio-economic, with a median weekly income nearly half of the New South Wales median.

The council's financial and governance challenges have been compounded by environmental disasters such as water mismanagement and, as we remember too well, devastating mass fish kills and weather extremes. As reported by *The Sydney Morning Herald* in 2018, the Central Darling Shire Council takeover "has been dubbed by academics 'Australia's first example of local government financial failure'". But this is not the failure of those elected councillors. Central Darling Shire Council simply does not have the rate base or the opportunities to raise own-source revenue through fees or charges to cover the costs of maintaining critical assets like its enormous road

network or to cover cost shifting from the State and Federal governments. Central Darling Shire Council is dependent on grant funding from the State and Federal governments.

Throughout administration, the struggle of Central Darling Shire Council to manage essential local services due to its size, sparse population and insufficient rate base has endured. Prolonged administration has not fixed the financial challenges but has left residents disenfranchised. In 2018 my Greens colleague David Shoebridge put it bluntly when discussing changes proposed for water management in the area. He said that residents had been left voiceless, without representation, and that outside administration was actually a way to silence the community. In response to community criticism of poor transparency, poor communication and prolonged uncertainty, the Sydney-based council administrator, Greg Wright, said, "We probably don't publicise our actions as much as we might", adding that he could not be "as physically accessible as nine councillors".

The former president of Local Government NSW has said that the challenges of this council and potentially others in the west of the State could not be overcome by administration. Linda Scott said:

It is time the NSW and federal governments admit that sustaining the far west communities and others like them involves increased and ongoing financial support.

The inability for local governments to fund infrastructure and services as a result of cost shifting, inadequate support and rates revenue has been comprehensively aired at recent hearings of the inquiry into the issue by the Standing Committee on State Development.

In its 10-page submission to the inquiry, Central Darling Shire Council did not call for a governance model reform that would allow the Minister for Local Government to appoint half the councillors as well as the chairperson for that council. While the Minister states that this framework is designed specifically for Central Darling Shire Council, the broad application of the bill as drafted means it could be applied to any council placed under administration. In his second reading speech, the Minister indicated the possibility of using the model for other councils. The Greens share the concerns of stakeholders, including Local Government NSW, regarding the potential for the broad implications of the bill to undermine local democracies across the State.

I appreciate the amendments moved by the member for Goulburn, and former Minister, which passed the Legislative Assembly. Those amendments ensure that any application of this model to a council must be done by regulations, which are disallowable, rather than by a proclamation. However, the potential application of the bill is far broader than its stated intent, and that remains a significant concern. Most egregiously, the bill proposes to redefine a "councillor" under the Local Government Act to include government-appointed councillors. It will apply to every councillor and every council in New South Wales, not just Central Darling Shire Council. This fundamentally undermines the role of councillors across New South Wales as democratically elected representatives of their communities. This is a significant change to the Act, with broad-ranging potential unintended consequences, and The Greens cannot support it.

The Greens seek to amend the bill to refine, restrict and somewhat democratise the proposed governance structure. In brief, our six amendments limit the designation of the council to a maximum of four years, down from 10 years, and require that the chairperson is an elected councillor who is elected by council members, rather than appointed. Further, one amendment would legislate for the appointment of at least one Aboriginal councillor—something that the bill as drafted falls short of doing, despite the Minister's stated intent that councillor appointments enable the representation of First Nations people. These commonsense amendments will improve the bill and bring it closer to its stated aims without compromising the security of the model under which local democracy operates across New South Wales, and they directly address the concerns of Local Government NSW. As such, support for the amendments should not be controversial. I share the sentiments of the Minister, who said:

Communities in rural and remote areas of New South Wales need and deserve stable governance, democratic representation as well as access to sustainable local government services and infrastructure in order to thrive ...

I thank the member for Barwon and the many local communities and residents who have advocated strongly for the end of the administration of Central Darling Shire Council. The Greens will work with the New South Wales Government to return to residents of the Central Darling shire a fully democratic model of representation as well as the funding that is needed to provide essential infrastructure and services in the Far West.

**The Hon. STEPHEN LAWRENCE (17:39):** I speak briefly in debate on the Local Government Amendment (Rural and Remote Councils) Bill 2024. This important bill pertains to my duty electorate of Barwon. The bill provides a much-needed return to local democracy for the remote communities in the Central Darling shire and safeguards against the risks that unfortunately resulted in the council being placed in administration more than a decade ago. The Central Darling shire in Far West New South Wales has been in administration for over a decade—since December 2013—due to significant financial and governance issues. That followed over 30 years of government interventions and reviews. There has been some improvement in the council's position

over the period of administration, but I believe it is widely accepted that a return to a general purpose council is not sustainable due to the unique characteristics of the shire. These are characteristics I can certainly attest to.

Over the years, I have spent quite a bit of time in some of the shire's communities, starting as a lawyer when I was responsible for the Aboriginal Legal Service practice in the shire, and more lately as the duty MLC for Barwon. It is a wonderful part of the world and it is a great community with huge potential. But it certainly also has a lot of unique characteristics of vulnerability. These include its size. The council covers an area almost as big as Tasmania. It is of course remote, with dispersed towns and villages that are separated by hundreds of kilometres of road networks. It has a small population of fewer than 1,800 residents, which means the council has a small rate base from which it can derive income. It also has socio-economic disadvantage on an extreme scale and has a large Aboriginal population. The cost of providing infrastructure and services is extremely high and there is heavy reliance on government funding. For example, in the past financial year approximately 80 per cent of the revenue of the shire has been derived directly from New South Wales and Federal grants.

All communities across New South Wales deserve community representation and a stable council to deliver local government services. Of course, that is also so for the people of the Central Darling shire. The bill amends the Local Government Act 1993 to set out provisions for a new model of governance in a rural and remote council. It is a new model that will operate like a typical local council but will feature a mix of democratically elected councillors and government-appointed councillors with relevant experience in areas such as financial management, governance and local government administration.

It will be the responsibility of the Minister for Local Government to appoint councillors who will bring a mix of skills or diversity to the council, including, importantly, skills in representing the interests of the local Aboriginal population, as has already been mentioned. A mix of elected and appointed councillors is necessary to ensure both democratic representation and a voice for local communities because, importantly, the council must be efficient, well managed and able to provide local government services in the long term.

In an ideal universe, the people of the Central Darling shire would have a fully democratically elected council, but that is just not possible at the moment. It is true the bill provides that the model could be applied to other rural and remote councils in New South Wales facing challenges similar to those being experienced by Central Darling shire—councils that are under administration and meet strict eligibility criteria that reflect inherent risk factors. However, the rural and remote council model is intended to be applied in extraordinary circumstances only, with robust processes in place before a council is dismissed and an administrator appointed. Currently no other councils have been identified, and it is not the Government's intention to include other councils at this stage. I strongly support the bill because the people of Central Darling shire deserve democracy that serves their interests.

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (17:43):** In reply: I acknowledge and thank all members who contributed to debate on the Local Government Amendment (Rural and Remote Councils) Bill, in particular the Hon. Natasha Maclaren-Jones, Dr Amanda Cohn and the Hon. Stephen Lawrence. I also specifically recognise the amendments moved by the Opposition and agreed to in the other place. With regard to the comments by Dr Amanda Cohn, I acknowledge that the representation is not a full democratic representation, but I stress that it is an important step towards returning the shire to traditional representation. The bill should always be viewed as a transitional measure out of administration and back to traditional governance, rather than a perpetual model.

For the benefit of the Chamber I also clarify that, in preparing the bill, significant consultation with the local community occurred, including with Central Darling Shire Council administrator Mr Robert Stewart; senior council staff; community representatives; the member for Barwon, Roy Butler, MP; and New South Wales State agencies, to obtain a range of views to inform the bill. As we have heard in today's debate, many members in this place have a keen appreciation of the importance of local government in New South Wales, including through personal experience, and all recognise the importance of returning Central Darling Shire Council to some form of elected representation.

Although amendments have been foreshadowed—I understand some will be moved shortly—it is important to recognise the elements of this proposed policy that have the agreement of all who have made contributions. All agree that Central Darling Shire Council deserves a way forward for local community members to have a say in how their council is run after over a decade of administration, and all agree with the concept of a model that will enable a designated rural and remote council to function as close as possible to all other councils in the State but with fewer administrative requirements to help keep costs low and to focus on providing services for the community.

We have also heard support for councillors who have the skills, experience and attributes to plan and deliver both services and infrastructure as well as make sure the council is running effectively and is well managed. All agree that the proposed approach is an effective and appropriate option for other vulnerable rural and remote

councils in the Far West of New South Wales should they find themselves in a similar situation to that of Central Darling Shire Council in the future. We will deal with the proposed amendments in the Committee stage. As Minister for Western New South Wales, I also acknowledge that the bill—once it passes, hopefully—is a significant step forward for that community to once again have local representation. 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. There is only one sheet of amendments: The Greens amendments Nos 1 to 6 on sheet c2024-140F. Before I invite Dr Amanda Cohn to move those amendments—and far be it for me to tell her what to do—I note that it is my understanding that amendments Nos 1 and 2 will be moved together, amendment No. 3 will be moved by itself, and amendment No. 4 will be moved by itself.

**Dr Amanda Cohn:** Amendments Nos 4 to 6 will be moved together.

**The CHAIR (The Hon. Rod Roberts):** Tremendous. I invite Dr Amanda Cohn to move her amendments accordingly.

**Dr AMANDA COHN (17:48):** By leave: I move The Greens amendments Nos 1 and 2 on sheet c2024-140F in globo:

No. 1 **Extension of designation of rural and remote councils to last no more than 4 years**

Page 3, Schedule 1[2], proposed clause 3(3)(b), line 28. Omit "10". Insert instead "4".

No. 2 **Designation of rural and remote councils to last no more than 4 years**

Page 3, Schedule 1[2], proposed clause 3(4), line 31. Omit "10". Insert instead "4".

The amendments would reduce the maximum period for which a council can be designated as a rural and remote council from 10 years to four. It is important to acknowledge that the challenges faced by Central Darling Shire Council are longstanding and deeply entrenched. The council has been under administration for a decade, and during that time it has struggled to address severe financial instability, governance failures, and geographic and population challenges.

The Greens recognise that the road back to full democratic representation and long-term financial stability will not be short or simple, but a decade is an excessively long time to allow for ministerial overreach into local governance via appointed members serving alongside elected councillors. Four years is sufficient time to assess the effectiveness of the new governance structure and matches a usual local government term. That ensures that the rural and remote council model adequately represents the interests of the community, as well as making progress on the issues that the designation was intended to address. The amendments ensure that the model proposed by the bill is temporary and transitional, as intended, rather than becoming an indefinite solution to deep-rooted problems.

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (17:50):** The Government does not support the amendments. Central Darling Shire Council has been in administration for over 10 years due to the complex challenges it faces. The shorter designation period of four years proposed by The Greens may be insufficient time for a council to be in a stable position to successfully transition out of a significant period of administration to a rural and remote council model and then to a traditional general-purpose council. Importantly, while the bill enables the duration of a designation to be up to 10 years, where a period of four years is considered appropriate, that is already possible under the existing bill.

The bill provides the flexibility for a designation of up to 10 years, plus extensions of one or more further periods of up to 10 years, as a safeguard to be used only if a rural and remote council is not yet financially sustainable and ready to return to a traditional local government model. One of the key objectives of the bill is to establish a governance model that will better support long-term planning and oversight of a rural and remote council facing unique challenges where a traditional council model has failed. Limiting the duration of the designation to a maximum of four years is inconsistent with that objective, would provide uncertainty for the council and for the community about the long-term future of the area, and may result in additional red tape and administration in the likely event that an extension beyond the first four years is considered necessary.

Indeed, during recent consultation with members of the Central Darling shire community, there has been general agreement that designation as a rural and remote council for more than four years will be necessary to set

the council up for long-term success. The Government has acknowledged that councils are not all the same. Each council's needs must be considered on a case-by-case basis, and that is why the Government opposes the amendments.

**The Hon. NATASHA MACLAREN-JONES (17:52):** The Opposition does not support the amendments. As has been articulated, the bill allows for the flexibility of up to 10 years. Therefore, if less time is required, that can be accommodated. But because of the complexities relating to the shire, as has been articulated, up to 10 years gives them the ability to get the council in order.

**Dr AMANDA COHN (17:52):** We clearly heard in the second reading debate that we are in multipartisan agreement that the past 10 years of administration has been really challenging for that community. Potentially signing them up for another 10 years of that model, which is not a fully democratic model, is far too long. I am disappointed that the Government and the Opposition seem to be in agreement about it.

**The CHAIR (The Hon. Rod Roberts):** Dr Amanda Cohn has moved The Greens amendments Nos 1 and 2 on sheet c2024-140F. The question is that the amendments be agreed to.

**The Committee divided.**

Ayes .....5  
Noes .....29  
Majority.....24

#### AYES

Boyd  
Cohn (teller)

Faehrmann  
Higginson (teller)

Hurst

#### NOES

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

Houssos  
Jackson  
Kaine  
Latham  
Lawrence  
MacDonald  
Maclaren-Jones  
Merton  
Mookhey  
Moriarty

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

**Amendments negatived.**

**Dr AMANDA COHN (18:01):** I move The Greens amendment No. 3 on sheet c2024-140F.

**No. 3 One appointed councillor to be Aboriginal person**

Page 4, Schedule 1[2], proposed clause 5(2). Insert after line 14—

(a1) one appointed councillor is an Aboriginal person, and

This amendment legislates for the appointment of at least one Aboriginal councillor. As drafted, the bill falls short of doing that, despite the stated intent of the Minister for Local Government that government-appointed councillors be selected:

... based on specialist skills, expertise or attributes that they can bring to help the council, or because they bring diverse representation to the council. For example, this could include representation of Aboriginal people within the shire.

Census data shows that over 36 per cent of the shire's residents identified as Aboriginal and/or Torres Strait Islander in 2021. In his contributions to the Legislative Assembly, the Minister for Local Government made it clear that the bill only goes so far as to ensure that appointed councillors must have the ability to "represent the interests of the local Aboriginal population" of the area. While the appointment of one Aboriginal person to the council falls well short of the self-determination that First Nations communities in New South Wales deserve, it would be a small and important step in the right direction to designate one position for an Aboriginal person. First Nations people have long endured systemic exclusion from decision-making that directly affects their lives, land and cultural heritage. This reality is particularly pronounced in rural and remote areas like Central Darling Shire.

**The CHAIR (The Hon. Rod Roberts):** Order! There is too much audible conversation in the Chamber. I am having extreme difficulty hearing Dr Amanda Cohn and I am sure Hansard is as well.

**Dr AMANDA COHN:** The significance of a First Nations voice being part of the first model for Central Darling Shire cannot be substituted by appointing someone "with the ability to represent Aboriginal interests". Ensuring at least one Aboriginal person takes on a role under the new model is a small but important step towards the Aboriginal communities of the Darling Shire being represented with cultural understanding and sensitivity.

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (18:03):** The Government will not support this amendment. The Government agrees it is critically important in rural and remote council areas that are home to relatively large Aboriginal populations that the diverse interests of Aboriginal people are represented. Importantly, the bill ensures that the Minister must use the selection process when appointing councillors so that the interests of Aboriginal people are represented if they are not already represented through the elected councillors. In selecting the appointed councillors, proposed new section 9 stipulates that the Minister for Local Government must consider the attributes of the elected councillors including, as stated in proposed new section 9 (2) (b), how well they represent the interests of the Aboriginal community, before selecting appointed councillors who have the right attributes to fill any gaps in representation, skills or experience.

In doing so, the Minister must also consider attributes such as experience in local government administration, financial management and governance. While the amendment is well intended, The Greens proposal mandates a requirement for an appointed councillor to be Aboriginal, regardless of whether any of those people elected to the council are Aboriginal. This creates an inflexible model that limits the Minister from appointing a person with other critical skills or experience that may be required by a council, should it already have adequate Aboriginal representation. Additionally, when the composition of a designated council includes only the minimum of one appointed councillor, this provision would require that the appointed councillor be an Aboriginal person. This may limit the Minister from appointing the person most suited to meet the other required attributes under new section 9 of the bill. We will not be supporting the amendment.

**The Hon. NATASHA MACLAREN-JONES (18:04):** The Opposition does not support the amendment. As has been outlined, the appointment will be 50 per cent elected and 50 per cent by ministerial appointment, which will allow for a diverse representation of the community.

**Dr AMANDA COHN (18:05):** I briefly express my disappointment that both the Government and the Opposition cannot support this straightforward amendment. Appointing a councillor based on how well they represent the interests of the Aboriginal community, alongside other selection criteria, but then not to stipulate that that person needs to be an Aboriginal person—to be talking about appointing a non-Aboriginal person to represent the interests of Aboriginal communities in 2024—is fairly egregious.

**The CHAIR (The Hon. Rod Roberts):** Dr Amanda Cohn has moved The Greens amendment No. 3 on sheet c2024-140F. The question is that the amendment be agreed to. Is leave granted to ring the bells for one minute?

**Leave granted.**

**The Committee divided.**

Ayes .....5  
Noes .....28  
Majority.....23

#### AYES

Boyd  
Cohn (teller)

Faehrmann  
Higginson (teller)

Hurst

#### NOES

Buckingham  
Buttigieg  
Carter  
D'Adam  
Donnelly  
Fang  
Farlow  
Farraway

Jackson  
Kaine  
Latham  
Lawrence  
MacDonald  
Maclaren-Jones  
Merton  
Mookhey

Munro  
Murphy  
Nanva (teller)  
Primrose  
Rath (teller)  
Sharpe  
Suvaal  
Tudehope

Franklin  
Houssos

Moriarty

NOES

Ward

**Amendment negatived.**

**Dr AMANDA COHN (18:09):** By leave: I move The Greens amendments Nos 4 to 6 on sheet c2024-140F in globo:

**No. 4 Chairperson to be elected councillor and to be elected by members of council**

Page 6, Schedule 1[2], proposed clause 10(1) and (2), lines 9–12. Omit all words on the lines. Insert instead—

- (1) One of the elected councillors must be the chairperson of the council.
- (2) The chairperson must be elected by the members of the council.

**No. 5 Chairperson to be elected councillor and to be elected by members of council—consequential amendment**

Page 6, Schedule 1[2], proposed clause 10(4)(a), line 16. Omit "appointed to the office". Insert instead "elected to the office of chairperson by the members of the council".

**No. 6 Chairperson to be elected councillor and to be elected by members of council—consequential amendment**

Page 6, Schedule 1[2], proposed clause 10(5), line 19. Omit "appointed". Insert instead "elected".

The amendments would ensure that the chairperson must be an elected councillor and elected to the role of chairperson by other councillors rather than appointed by the Government. Clause 10 of schedule 1 to the bill sets out the role of a chairperson, who will have the same functions as a mayor and, crucially, will hold a casting vote. In his various contributions, the Minister for Local Government has touted his Government's intention to return Central Darling Shire Council to democratically elected representation. He outlined that under his new model at least half of the councillors must be elected by the community, which should mean that there is even representation by elected councillors and appointed members. However, that cannot be true under the model as proposed when the chairperson, who is appointed by the Minister, has the casting vote. That ultimately tips the scales of power in favour of appointed members when it comes time for any contentious issue to be considered and voted on.

A chairperson that is democratically elected by the people of Central Darling shire and elected to the role of chairperson by their fellow councillors would ensure that the leadership of the rural and remote council reflects the collective priorities of the local community. That strengthens the council's legitimacy and upholds the core principle that local government should be democratically driven and accountable to its constituents. That is even more important in rural and remote areas where the tyranny of distance means that communities are perpetually disconnected from the decision-making that affects their lives.

The Minister talks a big game about the value of councillors as elected representatives of their communities. He insists that local government is a legitimate tier of government and that councillors should be subject to codes of conduct, more like members of Parliament and not members of a board. I agree with those sentiments. However, by giving power to an appointed person over elected councillors, the Minister is simply not walking the walk. I commend the amendments to the Committee.

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (18:11):** These amendments seek to change the eligibility and method for selection of the chairperson so that the chairperson is to be an elected councillor rather than an appointed councillor and is to be elected by members of the council rather than appointed by the Minister for Local Government. The appointment of the chairperson by the Minister for Local Government from among the appointed councillors reflects the Government's investment and commitment to ensuring that the rural and remote council model works effectively while minimising governance and financial risk.

**The CHAIR (The Hon. Rod Roberts):** Order! There is too much audible conversation in the Chamber.

**The Hon. TARA MORIARTY:** Importantly, the bill requires that at least half of the council be elected councillors to ensure that elected representatives have fair input into the council decision-making process. An appointed chairperson will have the skills and experience to ensure appropriate governance and to safeguard government investment in rural and remote councils. I note that government funding typically forms the highest revenue source for these councils due to their low rates base. That is certainly the case for Central Darling Shire Council, which relies heavily on grants from the State and Commonwealth governments to operate, and for which revenue from government grants is 90 per cent of total revenue. On that basis, the Government does not support the amendments.

**The Hon. NATASHA MACLAREN-JONES (18:12):** The Opposition does not support the amendments.

**Dr AMANDA COHN (18:12):** The Hon. Tara Moriarty mentioned the investment and commitment of the Government. That investment and commitment is clearly not into the Central Darling shire and its residents; it is into consolidating power with the Minister for Local Government. We have seen that with other pieces of legislation from this Minister for Local Government. It is no surprise that the Opposition supports the Government—the power would also rest with a future Coalition Minister. However, that is not what the people of Central Darling shire need in terms of democratic representation.

**The CHAIR (The Hon. Rod Roberts):** Dr Amanda Cohn has moved The Greens amendments Nos 4 to 6 on sheet c2024-140F. The question is that the amendments be agreed to. Is leave granted to ring the bells for one minute?

**Leave granted.**

**The Committee divided.**

Ayes .....5  
Noes .....28  
Majority.....23

#### AYES

Boyd (teller)  
Cohn

Faehrmann  
Higginson (teller)

Hurst

#### NOES

Buckingham  
Buttigieg  
Carter  
D'Adam  
Donnelly  
Fang (teller)  
Farlow  
Farraway  
Franklin  
Houssos

Jackson  
Kaine  
Latham  
Lawrence  
MacDonald  
Maclaren-Jones  
Merton  
Mookhey  
Moriarty

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

**Amendments negatived.**

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

**Motion agreed to.**

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

That the Chair do now leave the chair and report the bill to the House without amendments.

**Motion agreed to.**

#### Adoption of Report

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

That the report be adopted.

**The DEPUTY PRESIDENT (The Hon. Emma Hurst):** The question is that the report be adopted.

**Division called for.**

**Call for a division, by leave, withdrawn.**

**Motion agreed to.**

#### Third Reading

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

That this bill be now read a third time.



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

**Leave granted.**

**The House divided.**

Ayes .....28  
Noes .....5  
Majority.....23

**AYES**

Buckingham  
Buttigieg  
Carter  
D'Adam  
Donnelly  
Fang  
Farlow  
Farraway  
Houssos  
Jackson

Kaine  
Latham  
Lawrence  
MacDonald  
Maclaren-Jones  
Merton  
Mookhey  
Moriarty  
Munro

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

**NOES**

Boyd  
Cohn

Faehrmann  
Higginson (teller)

Hurst (teller)

**Motion agreed to.**

**STRATA MANAGING AGENTS LEGISLATION AMENDMENT BILL 2024**

**Second Reading Speech**

**The Hon. MARK BUTTIGIEG (18:24):** On behalf of the Hon. Penny Sharpe: I move:

That this bill be now read a second time.

I am pleased to introduce the Strata Managing Agents Legislation Amendment Bill 2024. The bill amends the Strata Schemes Management Act 2015 and the Property and Stock Agents Act 2002 to strengthen the disclosure obligations of strata managing agents, increase transparency for strata owners and bolster NSW Fair Trading's compliance and enforcement powers. Complementary changes are also proposed to ensure the Community Land Management Act 2021 remains consistent with the Strata Schemes Management Act.

The Government is acutely aware of the importance of strata living for the people of New South Wales. There are more than 85,000 strata schemes in our State. More than 1.2 million people already live in strata communities in New South Wales, and that number is set to grow under the Government's comprehensive plan to build more good quality and affordable homes across New South Wales. If we are to realise the Government's ambitious housing supply targets, we must instil confidence in strata living. Owners' corporations make key decisions on how to manage the upkeep of their strata scheme's buildings and common property, often appointing a strata manager to help them run the scheme. Critical to the success of this relationship is owners' corporations having confidence that they can trust their agent is acting in their best interest.

In recent times, troubling instances of strata managing agents taking advantage of strata owners have been highlighted. This includes owners' corporations being charged excessive fees when securing strata insurance for their buildings; agents being swayed to buy products from certain companies over others because they get a benefit, such as a commission; and agents using the services of related entities to obtain financial benefits without the knowledge of the owners' corporation. The Government has wasted no time in tightening controls to respond to owners' and the community's concerns. The Government is taking immediate action to stamp out bad behaviour in the strata sector. The reforms in this bill are the next step in the Government's work to modernise strata and community land laws, address gaps in accountability across the sector and strengthen enforcement against those who breach their obligations.

Why is this so important? The housing shortage in New South Wales has reached critical levels. To solve it, we need people to have the confidence to invest and live in higher density housing that rely on strata schemes.

The bill will benefit residents living in strata and community land schemes by imposing stronger and more frequent disclosure requirements on agents, banning agents from receiving a commission for insurance products that an owners' corporation secures independently, increasing the maximum penalties and penalty infringement notice amounts for agents' disclosure obligations, and strengthening NSW Fair Trading's compliance and enforcement powers, including introducing a broader enforceable undertaking power.

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

**Leave granted.**

I now turn to the specific provisions of the bill.

There are already some disclosure requirements in the Strata Schemes Management Act and limits on the types of benefits an agent can receive but the disclosure obligations are piecemeal and limited.

The bill increases transparency for owners' corporations so they have all of the relevant information they need in real time to make informed decisions about the management of their schemes.

The bill amends section 57 of the Strata Schemes Management Act to make it clear that the owners' corporation's approval of a commission or training service is to be by a resolution at a general meeting. This is required if the commission or training service is not in line with the agency agreement.

I emphasise that this is already the law but the bill now makes this crystal clear.

Further, the bill will require an agent to provide important information to the owners' corporation at the relevant meeting to ensure they can make an informed decision.

This information includes:

- details about the commission or training service;
- details about the specific nature of the relationship between the agent and the person providing the commission or training service, such as if they are related companies;
- details about why the contract is in the owners' corporation's best interest; and
- a statement about why the agent believes that they are not violating their obligation under section 11 of schedule 1 to the Property and Stock Agents Regulation 2022. This obligation is that agents are not to accept an appointment to act, or continue to act, for a client if the agent's interests conflict with their client's interests.

This new requirement will make agents actively consider their obligations and if they are acting properly.

It will also give owners' corporations valuable information that they need to decide if they agree with the agent or if a different course of action would be better for them.

The bill will amend section 60 of the Strata Schemes Management Act to require agents to disclose more relevant information to the owners' corporation more frequently.

In certain circumstances, the strata managing agent will have to give written notice to the owners' corporation about what may be perceived as a conflict of interest before entering into a contract for the purchase of goods or services.

These circumstances are:

- if an allowable commission or training service is provided under the contract; or
- if the contract is with a person connected to the agent.

Section 7 of the Strata Schemes Management Act sets out when people are connected with each other for the purposes of the Act. This includes parent companies and their related entities.

The bill also amends the Strata Schemes Management Regulation 2022 to expand who are connected persons. For example, an agent who is a trustee will be considered connected to the trust's beneficiaries.

This will ensure that all relationships that could preference the agent towards another party, such as a certain supplier, must be disclosed.

The written notice will have to contain the details I have already described in relation to the amendments to section 57.

These reforms mean that owners' corporations will have more up-to-date disclosures about an agent, including where the agent is proposing to use a subsidiary company to maintain the strata scheme's common property.

The bill will also require agents to give written notices to the owners' corporation as soon as possible after they find out that they:

- are connected to a supplier of goods or services for the strata scheme, or the original owner of the strata scheme; or
- have acquired a direct or indirect pecuniary interest in the strata scheme, such as if they have bought a lot or lots in the scheme.

Additionally, agents will have to consolidate and report all this information at the annual general meeting.

New section 60 (1) (c) and (d) of the Strata Schemes Management Act would require agents to report at the meeting details about their connections with suppliers and the original owner.

This includes identifying connections that were formed during the past 12 months.

As you can see, this bill is about empowering owners and increasing openness and transparency in the industry.

It is the way we are going to clear the mistrust that can hinder constructive relationships between consumers and their agents.

The provisions I have just outlined relate to how an existing strata manager must engage with the owners' corporation.

The bill also amends section 71 of the Strata Schemes Management Act which applies before the appointment of the strata manager.

The bill will require agents to provide more relevant information before they are appointed as the agent of a strata scheme. This includes:

- the suppliers connected with the agent that the agent routinely uses for other strata schemes they manage. For example, a cleaning business that is owned by the agent's relative, or an insurance company that is a subsidiary of the strata managing agency, as well as
- if the agent has given advice about strata plans or community plans to the original owner, which is the developer, in the past two years.

These changes will mean that owners' corporations are better informed when selecting the agent to manage their strata schemes, a decision that holds significant implications for owners' corporations and the financial health of residents.

The bill also implements more comprehensive disclosure requirements for insurance quotes that agents source for owners' corporations.

Section 166 of the Strata Schemes Management Act requires strata managing agents to give the owners' corporation a minimum of three insurance quotes. Otherwise, the agent must give written reasons as to why this has not been done.

The bill will require these quotes to include more specific information including a breakdown of charges such as:

- the base premium amount, which is not to include any commission amount;
- the commission amount; and
- any broker fee amount.

Quotes will also need to show who the commission and broker fee is ultimately being paid to, as well as a statement on whether the agent is connected to the person providing the quote.

Requiring this information to be disclosed will allow owners' corporations to easily identify commissions that an agent may earn.

It will support owners' corporations to properly consider if they should purchase an insurance policy the agent recommends and if the agent is performing their job for the owners' corporation's benefit.

The bill also clarifies that insurance broker fees are considered commissions for the purposes of the Act.

This will ensure that these fees are disclosed under the new disclosure obligations.

I note that these important changes to the Strata Schemes Management Act in the bill will be applied to the Community Land Management Act to ensure the two similar regulatory regimes remain consistent.

Residents of community land schemes will also greatly benefit from more transparency and agent accountability.

Another important reform in this bill is about restricting when agents are allowed to get commissions.

The Government knows that many consumers are frustrated with the strata management system, with industry practices relating to commissions contributing to this.

The issue is complex. But the Government is committed to working with industry to eliminate practices that do not meet consumer expectations, while ensuring industry continues to thrive so it can provide the key services to consumers that underpin good strata management.

This bill will ban terms in strata managing agency agreements that allows an insurance commission to be paid to the agent where the owners' corporation obtained the insurance quote and arranged to buy the insurance themselves.

This change will also be made to community land management laws.

In light of the crucial changes we are making in this bill, we are also taking steps to ensure that the penalty framework is fit for purpose and the regulator has the tools it needs to effectively enforce the laws.

The bill introduces significantly higher maximum penalties and penalty infringement notice amounts for key agent obligations.

The current penalty amounts in the strata laws have remained static for many years and have fallen far below market value.

This makes it easier for an agent to think that doing the wrong thing and being hit with a low penalty is just a part of the cost of doing business and making profit, especially when the commissions they receive are far higher than the penalty amount.

This is just not on.

The bill makes the maximum penalty for breaches of the disclosure obligations in the Strata Schemes Management Act and the Community Land Management Act:

- 500 penalty units for a corporation; and
- 100 penalty units in any other case.

The penalty infringement notice, or PIN, amounts are also doubling to \$2,200 for corporations and \$1,100 for individuals.

This will mean Fair Trading can issue an on-the-spot fine for breaches and a person who is given a PIN can pay the amount specified in the notice as an alternative to court proceedings.

These penalties will serve as a powerful deterrent against agent misconduct.

It sends the message that we will not tolerate agents looking to take advantage of consumers and hide their actions.

Further, the bill increases the maximum penalty for agents not complying with the rules of conduct under section 37 of the Property and Stock Agents Act.

These rules of conduct include that agents are to act honestly, fairly and in their client's best interests.

To show how seriously we take agents not doing the right thing by consumers, the maximum penalty for corporations for non-compliance with these obligations will be 1,000 penalty units.

Higher penalties will be complemented by stronger enforcement powers for NSW Fair Trading to ensure it can take appropriate action to investigate and respond to non-compliance.

This includes broadening the enforceable undertaking power in the Property and Stock Agents Act.

This will give NSW Fair Trading more flexibility and ensure it can use the power to stop non-compliance where it is the most effective response.

The bill makes important and urgent changes to strata, community land and property agent laws.

It looks to restore public confidence in the integrity of strata governance and the fundamental role that strata managing agents play.

I thank the many key stakeholders for their valuable input on the bill. Stakeholder input ensures the bill works effectively and achieves the intended goals. I thank:

- the Strata Community Association;
- the Owners Corporation Network;
- the Real Estate Institute of NSW;
- the Law Society of NSW;
- Australian College of Strata Lawyers;
- the National Insurance Brokers Association;
- Australian Consumers Insurance Lobby;
- Australia Apartment Advocacy;
- Cathy Sherry;
- John Trowbridge;
- Steadfast Insurance Group;
- Marrickville Legal Centre;
- Financial Counselling Australia; and
- the Financial Rights Legal Centre.

This bill is another step in the Government's delivery of real, positive change for residents who live in strata schemes and community land schemes.

There is more to come as we continue to implement the reforms of the statutory review of the Strata Schemes Management Act and investigate other reforms.

The Government is determined to continue improving the lives of those living in strata and community land schemes by making the governance systems fairer and more transparent.

I commend the bill to the House.

### Second Reading Debate

**The Hon. SCOTT FARLOW (18:28):** I lead for the Opposition in debate on the Strata Managing Agents Legislation Amendment Bill 2024 on behalf of the shadow Minister for Fair Trading, Tim James, the member for Willoughby in the other place. The Liberals and The Nationals support the bill. The Coalition has always been a leader in advocating for fairness, transparency and accountability in the strata management sector. Our commitment to improving governance in strata communities is well documented, and the groundwork for the bill started under the previous Coalition Government.

Strata living is a growing reality for a significant portion of the population in our great State. Today New South Wales has one of the highest concentrations of strata title properties in Australia, with over 80,000 schemes accommodating hundreds of thousands of residents. Those strata properties are not limited to residential apartments but also include townhouses, commercial buildings, mixed-use developments and retirement villages, reflecting the increasing complexity, variety and importance of strata management.

The bill proposes several amendments that will strengthen transparency, governance and compliance within strata schemes. A key provision of the bill includes commission and disclosure requirements. The bill introduces a clear definition of "commission" to include insurance broker fees and mandates that any approval for commissions or training services received by strata managing agents must be supported by detailed documentation and approved by resolution at a general meeting. This measure ensures transparency in financial transactions and discourages conflicts of interest. A key provision is transparency in financial transactions. Strata managing agents will be required to disclose detailed information about insurance quotations, including breakdowns of charges and any connections with providers. That is crucial to ensure that owners are fully informed before entering into contracts for goods or services, particularly where commissions are involved.

An increase in penalties and enforcement is another key provision in the bill. The bill introduces new penalty provisions for failures to comply with financial disclosures, conflicts of interest and other key obligations. It also expands the enforcement authority of the Fair Trading Commissioner, allowing the commissioner to seek orders from the NSW Civil and Administrative Tribunal for undisclosed commissions or for training services. Furthermore, I note the provision of conflict of interest management that is in the bill. Strata managing agents will now be required to disclose any interests they have with suppliers or their prior roles as advisers to the original owner. This provision enhances transparency and prevents potential conflicts that could negatively impact owners' corporations.

Those are just a few of the many important measures that the bill seeks to introduce. The Coalition believes those updates will significantly enhance the governance and management of strata schemes, ensuring fairness and accountability for all stakeholders. I acknowledge the contributions of key stakeholders, including the Strata Community Association (NSW) and the Owners Corporation Network, which have engaged actively with the Government and also with Opposition on these matters. We encourage the Government to continue working closely with these representative organisations to address outstanding and ongoing concerns.

I respectfully point out that the bill only goes some way towards addressing the variety of risks, failures and problems that occur within strata and that have recently been the subject of a number of media stories—some with a very significant profile. The Opposition encourages the Government to act more widely, deeply and expeditiously to make the strata schemes of our State as effective, modern and positive as they can be. We are happy to work with the Government towards that aim. I commend the bill to the House.

**Ms CATE FAEHRMANN (18:32):** On behalf of The Greens, I oppose the Strata Managing Agents Legislation Amendment Bill 2024. Countless strata experts, academics, lawyers and event managing agents, and even the head of the Australian Competition and Consumer Commission have said that we must ban commissions in strata immediately. Yet the bill before the House does almost the exact opposite. A *Four Corners* investigation last week showed that strata is rife with conflicts of interest. This bill indicates, "If you have a conflict of interest, just disclose it and continue on your merry way." In that way, it legitimises the taking of commissions despite conflicts of interest. That is why The Greens have decided to oppose the bill.

The bill amends the Strata Schemes Management Act 2015 in an attempt to reform the practice of strata managing agents regarding insurance commissions and related-party transactions in three ways: one, by prohibiting certain commissions for work not done by an agent; two, by providing for further disclosure about commissions, training services and related-party transactions; and, three, by providing for enforceable undertakings as a regulatory enforcement alternative to prosecution for breaches of the law.

There are two key strata legislations. The first is the Strata Schemes Development Act 2015 and the second is the Strata Schemes Management Act 2015. A 2021 report, following a statutory review of the regulation of strata schemes, made 139 recommendations for reform. In 2023 just 31 of those recommendations were addressed by the Strata Legislation Amendment Bill 2023. That tranche of reform included amendments to the way strata committees are regulated, how meetings are run, and how there are requirements about seeking quotes for expenditure and so forth. They were largely administrative in nature. Despite the report being prepared in November 2021, all that the previous Government and this Government managed to do in almost three years is implement 31 of the least complex or controversial recommendations.

We are still waiting on the substantive reform to the most problematic issues in strata. We are told the next substantial tranche of reform will implement the most significant of the review's recommendations. However, that second tranche, which has not come yet, will only address another 40 recommendations, and we have no timeline as to when we can expect that. This Government will no doubt say that it has been in government only since May 2023 and blame delays on the former Government. Just last week in budget estimates, Minister Chanthivong acknowledged the need for strata reform. He kept talking about the journey his Government is on and spoke of inheriting a legacy issue.

In that same week *Four Corners* exposed a raft of issues with the way strata is regulated in this State. The investigation revealed that Strata Hub, introduced in 2022 as a major New South Wales Government reform, has turned into just another way to rip off apartment dwellers. That business, a scheme designed to tackle the paucity of hard data on the strata industry, has been charging additional fees to administer the scheme. In fact, it was reported that Strata Hub's director Tony Irvine even joked in a webinar, "I would like to thank the New South Wales Government for the Strata Hub because that bought me a brand new ute. So that was good of them."

The *Four Corners* investigation also focused on the strata services company Netstrata and the hidden fees, secret kickbacks and developer deals that are making the lives of many apartment owners in this State a nightmare. Netstrata was found to have been accepting rebates from suppliers and using its own firm to charge excessive brokerage fees. A typical brokerage fee is about 20 per cent of an insurance policy base premium. Netstrata's insurance arm was charging anywhere from 60 per cent to 100 per cent, without disclosing that fee to owners. As a result of the ABC's investigations into Netstrata, the then Fair Trading Commissioner John Minns outsourced a review into Netstrata to advisory firm McGrathNicol.

In the undertaking between Netstrata and the Fair Trading Commissioner, which was signed on 1 May this year, Netstrata was able to review the draft report before it was formally finalised and provided to the Fair Trading Commissioner and provide comments on any information that should not be published, as well as make submissions on the draft report, including on any topic on which the expert intended to make a finding. The undertaking states, "The expert will take those submissions into account in making findings and recommendations in the report." It also states that where the expert makes any recommendations, Netstrata "undertakes to consider any recommendations made by the expert and, within 14 business days of the receipt of the report or such other period as may be agreed in writing with the commissioner, notify the commissioner of any proposed changes to the manner in which it exercises or will exercise its functions".

The report and any findings or recommendations by the expert are not binding on Netstrata. I asked in budget estimates where this report was and was told it had been given to Fair Trading a few weeks ago. But the report has not been released. Yet, in his second reading speech, Minister Chanthivong said that this bill was before us in response to "troubling instances of strata managing agents taking advantage of strata owners" and that the Government "has wasted no time in tightening controls to respond to owners' and the community's concerns". The bill does not do that. If it does, I would have thought the Government would release the McGrathNicol report, which delved into the reasons that the bill is here and made recommendations about prevention. I doubt whether that report will be released at all, and I call on the Government to commit to releasing it.

The *Four Corners* investigation also revealed that Bright and Duggan, one of Australia's largest strata firms, has no fewer than 32 commercial arrangements to receive kickbacks of up to 75 per cent of the brokerage fee. Those stories, and the 2,000-odd submissions sent by the public to the ABC during the investigation, confirm that the regulation of strata in this State is a shambles and is causing immense pain to tens of thousands, probably millions, of apartment owners. The Greens oppose the bill because it is again a kneejerk reaction to issues exposed by the ABC. It is yet another kneejerk reaction by the Minns Government to bad headlines, instead of consulting with the industry, releasing the consultation, getting it right and making sure it stamps out the appalling practice.

The bill provides for enforceable undertakings as a regulatory enforcement alternative to prosecution for breaches of the law. That is a welcome move, noting the recent success of the NSW Building Commissioner in using such powers. The bill also increases some penalties for breaches of things like disclosure obligations and rules of conduct, which is also important. For too long, strata companies have viewed the pathetically low penalties as the cost of doing business. For a breach of disclosure obligations, those increases include \$2,200 increasing to \$11,000 for an individual, and \$5,500 increasing to \$55,000 for a corporation. To be honest, that could be increased a lot more. They are criminal provisions but there is no imprisonment power. My concern is that criminal penalty provisions involve a very high burden of proof, meaning that prosecutions will not proceed.

It also remains to be seen whether the increase in penalties is enough of a deterrent to prevent bad behaviour in an industry where it is clearly rampant. We know that the kickbacks involve many millions of dollars. Despite an announcement by Minister Chanthivong in June this year that agents will be banned from receiving commission on insurance products when they do not play a role in finding the best deal for residents, the bill fails to do that. The bill actually legitimises the taking of commissions by providing that, as long as there is a disclosure of a commission, they can proceed. That is in direct contradiction to the Property and Stock Agents Regulation, which bans an agent from acting where the agent has a conflict of interest.

Owners' corporations are often heavily reliant on their strata manager obtaining the best pricing and quality of service but, in many cases, that strata manager is conflicted because they receive a commission based on the cost of the service. Strata managers are not covered by the Australian Prudential Regulation Authority rules and may promote or engage a product or service based on the amount of commission they receive. In any other industry, those kinds of kickbacks would be considered at least unethical or even illegal. But in strata the practice

has been allowed to flourish, to the detriment of those living in strata schemes. The bill tries to deal with commissions by banning a very specific type of commission only.

At schedule 6 [1], the bill provides that an agency agreement must not contain a provision that permits the strata management agent to require the person for whom the agent is acting, or another person, to pay a commission to the agent in relation to a prescribed purchase of insurance. In other words, if a strata committee has obtained a quote and arranged for payment of insurance, a managing agent cannot make commission on that arrangement. That is common sense. Why on earth would an agent be entitled to receive commission when they have not done any work at all? Yet that is exactly what has been happening. A managing agent with a joint venture or other relationship with a broker or other related party can still get around the clause. They can still receive commissions or kickbacks without doing any work themselves. They could do that by, for example, requesting a broker to arrange insurance.

Insurance commissions are a major source of conflict of interest as, typically, strata managers claim between 18 per cent and 24 per cent commission for arranging insurance. As we heard on *Four Corners*, it is often much higher. It is therefore not in the strata manager's interest to promote ways to reduce the premium. Furthermore, having the strata manager's commission grossed into the premium inflates the statutory charges of the emergency services levy, stamp duty and GST so that for every \$100 that a strata manager receives in commission, the owners' corporation will incur approximately \$50 extra in statutory charges. A number of stakeholders, including some of those who were consulted on the bill, have recommended that commissions to strata managers be replaced with a fixed fee or invoice fee charged separately from the insurance premium. The Australian Competition and Consumer Commission chair, Gina Cass-Gottlieb, has also said that disclosure will not fix strata. She told the ABC that:

A solution that is about imposing ... enhanced disclosure obligations doesn't get to the root of the problem, which is the financial incentive. Even with the disclosure, the strata manager, the insurance broker, continues to have the financial incentive, and that includes a financial incentive not to recommend lower priced insurance.

Only banning commissions will do that. Under the bill, strata managers will still be able to put themselves in unmanageable conflicts of interest with their clients by taking insurance commissions and engaging in related party transactions. Further, the new disclosure obligations are confusing.

Strata managing agents have been unable to comply with the existing provisions for disclosure of commissions and related party transactions, and they are relatively simple. The additional provisions in the bill are complex and will be either misunderstood or misapplied by many. An example is the proposed amendment to section 57, which sets out a criminal penalty provision against a managing agent who requests or accepts a gift or benefit in connection with the provision of its services. This in itself is straightforward and would, on its face, mean agents cannot receive kickbacks. However, the existing section 57 (3) sets out exceptions to that general rule. Those exceptions include that a managing agent may receive remuneration, a monetary commission, a training service or a gift or benefit that has the value of less than \$60. That section means that agents can currently accept commissions or kickbacks.

The proposed amendment at schedule 1 [3] to the bill means that any owners' corporation would be required to approve any monetary commissions or training services by resolution at a general meeting and requires greater disclosure of what the managing agent must disclose to the owners' corporation. Again, on the face of it, that seems like a good proposal. However, it applies only to commissions and training services and does not apply to other related party transactions such as joint venture arrangements with brokers. You have to ask why it is not covering that, which is one of the most problematic arrangements in strata schemes and is currently being investigated by Fair Trading. Also, going by the proposed addition of new section 57 (3B) (d), in making a disclosure about a commission or training service, the managing agent must give "a statement that the strata managing agent believes that accepting the gift or other benefit does not contravene the Property and Stock Agents Regulation 2022".

Schedule 1 [11] to the Property and Stock Agents Regulation 2022 provides that the agent must not accept an appointment or continue with one if doing so places the agent in a conflict situation with its client. There is no utility in this reform, as an agent complies with this section even if the agent's belief is unreasonable, misconceived or without foundation. The bill also fails to implement any of the other outstanding recommendations for reform, some of which are urgently needed—for example, better education and provision of information to strata committees; defining the duties of office bearers more clearly; prohibiting unfair terms in standard form contracts; banning embedded networks, which is very important; and updating the model by-laws, which have not been reformed since 2000.

I am told that the department undertook targeted consultation in relation to the bill. In the Minister's second reading speech, he thanked a number of stakeholders for their valuable input. My office asked the Minister for a copy of any written submissions from those stakeholders, in an attempt to better understand the community and

stakeholder views on the bill. That request was denied. We were told that submissions during targeted consultation are not routinely released. I can only assume that they were not released because some of them are pretty critical of the bill before us today.

That assumption is informed by conversations my office has had with a number of stakeholders, including strata lawyers, academics, managers, and representatives who have expressed their opposition to this bill, and by public statements by other stakeholders. Following the *Four Corners* report, the Australian College of Strata Lawyers has said that disclosure is not a panacea and that sector-wide structural change is required with respect to insurance commissions, related party commissions, profit-sharing structures and the prohibition of kickbacks. Alexandra Kelly of the Financial Rights Legal Centre has said that strata managers should not be getting paid by an insurer for recommending their products.

This Government wants to build more homes, the vast majority of which will be under strata schemes. At the recent annual Australian College of Strata Lawyers conference, Justice Peden said that strata is widely considered the key to supporting urban development in growing cities. Accordingly, the Government must act urgently to fully implement the recommendations of the statutory reviews. The bill before us today is actually smoke and mirrors. It is designed to look as though the Government is acting upon the very serious issues raised by investigative journalists, but it does not get to the nub of the matter at all. It is another rushed, ill-considered policy response by the Minns Government to negative media headlines. It reeks of too much influence by the strata and insurance industries at the expense of millions of apartment owners in this State, and it will not fix the problem.

Meanwhile, an analysis of 2022 bankruptcy filings in the Federal Court found that 10 per cent of all forced bankruptcies in this country are from strata levy debts, and New South Wales had the highest rate, at 18 per cent. There is no doubt that that number has risen in 2023. There was an opportunity to ease the pain today and bring down strata fees by completely removing the ability of strata managers to charge commission. That did not happen because the Government is not prepared to stand on the side of apartment owners and stand up to industry. That is why The Greens oppose the bill.

**The Hon. ANTHONY D'ADAM (18:49):** I support the Strata Managing Agents Legislation Amendment Bill 2024. Currently, New South Wales has over 85,000 strata schemes housing more than 1.2 million residents. With that number expected to increase, the Government recognises and appreciates the role that strata living plays in our communities. It is the Government's priority to support confidence in investing and living in strata schemes. The strata industry has grown larger and more complex over time. Many agencies are now large companies with subsidiaries providing services to the broader strata industry, including building maintenance services and insurance products. Strata managing agents have a crucial role in ensuring the effective functioning of strata schemes. They have a range of responsibilities, from financial management to overseeing the provision of services to the strata scheme.

One key function of the agent is to act as a trusted adviser to the owners' corporation. The agent should be acting in the client's best interests, helping them navigate their responsibilities and make informed decisions. Consumer concerns about the transparency of agents have arisen in recent times. Those concerns include that agents are charging excessive fees and earning commissions when arranging strata insurance for the buildings they manage, potentially favouring products from specific companies due to the personal benefits they will receive and engaging related entities for their services to gain advantages without the knowledge of the owners' corporation. Those concerns are significant and warrant our immediate attention. In response, the bill strengthens the disclosure obligations of the strata industry.

The current disclosure requirements in the Strata Schemes Management Act already offer owners' corporations key insights into the actions of strata managing agents. The reforms in the bill expand on those, ensuring that owners' corporations receive the information they need in a more timely and effective manner. That will empower them to make well-informed decisions about managing their schemes. The bill amends the Strata Schemes Management Act to clarify that the owners' corporation's approval of a commission or training service is to be by resolution at a general meeting. Additionally, agents will have to provide a document containing specific information about the commission or training service to the owners' corporation at the relevant meeting. That information includes details about why the contract is in the owners' corporation's best interests and the relationship between the agent and the service provider. The agent must also provide a statement explaining why they believe they are complying with their obligation not to act for a client if their interests conflict.

Those added requirements will promote agents more thoroughly considering their obligations. They will give owners' corporations valuable information to assess their agent's actions. The bill also requires agents to give owners' corporations itemised insurance quotes that clearly set out key information. That information includes the base premium amount, not including any commission amounts; the commission amounts; the broker fee amounts and who those amounts are ultimately paid to; and goods and services tax. That means owners' corporations will



be able to easily identify commissions that their agent may receive and make informed decisions about their preferred insurance policy. To enhance transparency, the bill requires agents to disclose perceived conflicts of interests more frequently and in more detail.

Agents will have to give written notice to the owners' corporation before entering a contract to buy goods or services if the agent will get a commission or training service under the contract or is connected to the supplier. The written notice will need to include information about relevant matters, such as the nature of the agent's relationship with the supplier. The bill will also require agents to disclose more information at the annual general meeting, such as all of their related suppliers and the services or goods they provide and their connections to the original owner of the strata scheme, such as if the developer of the strata scheme has formed family ties with the agent. Section 7 of the Strata Schemes Management Act sets out when a supplier or original owner is connected to an agent. For example, an agent is considered connected to their relatives.

The bill ensures that all relevant relationships are captured by adding new categories of "connected persons". One of the new categories will be where an agent is a trustee. Similar disclosure requirements will apply before the appointment of a strata manager. That will enable the owners' corporation to make an informed decision about who is best suited to manage its scheme. These important changes to the Strata Management Act will also be applied to the Community Land Management Act. Residents in community and land schemes will receive the same benefits. The New South Wales Government is committed to ensuring that the strata industry is transparent and trustworthy. The improved disclosure obligations proposed by the bill are a significant advancement in the management of strata schemes. They will foster a more transparent and accountable environment, ensuring that strata schemes are attractive places for the people of New South Wales to live and invest in. I commend the bill to the House.

**The Hon. MARK BUTTIGIEG (18:55):** On behalf of the Hon. Penny Sharpe: In reply: I thank the Hon. Scott Farlow, Ms Cate Faehrmann and the Hon. Anthony D'Adam for their contributions to debate on the Strata Managing Agents Legislation Amendment Bill 2024. The bill marks an important step in the Government's commitment to modernising strata laws in New South Wales. The Government's comprehensive plan to build more affordable and high-quality homes across New South Wales will see a further increase in the number of strata residents. Hence, it is imperative that the people of New South Wales have the confidence to invest and live in strata schemes. Strata managing agents play a pivotal role in assisting owners' corporations to manage their strata schemes. Agents should be acting in the best interests of their clients—owners' corporations—when performing their duties. The bill directly addresses recent concerns about agents exploiting their position of trust and authority to obtain financial benefits.

In particular, the bill will close gaps in the law that currently mean agents do not have to inform owners' corporations about suppliers who are related entities. The bill will require agents to disclose more information to owners' corporations about potential conflicts of interest, and more often; ban agents from receiving a commission where the owners' corporation arranges insurance quotes and the purchase of insurance without an agent; increase the maximum penalties and penalty infringement notice amounts for agents' disclosure obligations; and strengthen NSW Fair Trading's compliance and enforcement powers, including introducing a broader enforceable undertaking power. I acknowledge there is more work to be done to address the challenges in the strata industry, including the impact of commissions. However, this bill is a critical next step in the Government's plan. Further work is currently underway to determine the best way to address concerns about agents continuing to receive commissions, while keeping costs as low as possible for strata residents. The reforms in the bill promote transparency within the strata industry and will empower the people of New South Wales to continue choosing strata living as a great housing option.

I will now respond briefly to points made by honourable members. I thank the Hon. Scott Farlow for the Opposition's support of this important bill. I can assure him that the Government is committed to listening to stakeholders to ensure its reforms uphold consumer needs and support a better strata industry that can continue to deliver the essential services that owners' corporations need to effectively manage their schemes. We will continue to work closely with key stakeholders, including the Strata Community Association and Owners Corporation Network. The bill before the House is a result of the Government's quick work to address problematic practices that have seen some managing agents take advantage of owners. We have heard about strata managing agents charging excessive fees and commissions when buying strata insurance, and using the services of subsidiary companies to obtain financial benefits without their clients' knowledge. The bill is the first step in the Government's response to those problematic strata management business practices, and further work is underway.

I acknowledge Ms Cate Faehrmann's call for the Government to ban commissions. The Government is committed to protecting consumers. The poor behaviour of agents that has been reported in the media is unacceptable. The Minister has been clear: The banning of strata insurance commissions is absolutely on the table.

I have tasked NSW Fair Trading with consulting strata owners and industry on how that reform would work in practice. It is appropriate that Fair Trading undertake that consultation process on such a significant change.

I am disappointed to hear The Greens are not supporting the bill. I am not sure why The Greens are against closing the loopholes in the existing legislation to empower owners' corporations. I would have thought that The Greens would welcome increased transparency to arm owners with information so they can better question the practices of strata managing agents not acting in the best interest of owners. In fact, the decision of The Greens to oppose this bill is quite short sighted.

The bill will strengthen disclosure obligations on strata managing agents, particularly in relation to related parties. Under the current law, strata managing agents can still benefit from handing contracts to a related party even if no commission is paid. The Government's bill will make it harder for agents to hide those relationships. Are The Greens really opposed to that? I have already made it clear that there is further work to be done regarding the payment of commissions. However, we do not want to sit back and allow loopholes to continue when we can act quickly to close them now.

That is also why the Government is making these changes before the completion of NSW Fair Trading's investigations of Netstrata. Confidence in strata living is vital to the Government's plan to build the high-quality housing that the people of New South Wales need. While the conduct of certain agents is worthy of consideration and response, the Government's bill responds to broader concerns with the industry that go beyond the actions of a specific managing agent.

It is imperative that the Government quickly addresses community concerns that strata managing agents easily and readily take advantage of owners through loopholes or weak obligations in the law. The bill is key to restoring confidence in living and investing in strata schemes. Also, as I have already said, further reforms will be considered. These will include any that should be made due to the Netstrata investigation findings. I also make it clear that Fair Trading is considering the draft McGrathNicol report on the investigation findings. The Fair Trading Commissioner has said the findings of the final report will be published.

**Ms Sue Higginson:** When?

**The Hon. MARK BUTTIGIEG:** They will be published. I emphasise that the reforms will be supported by compliance and enforcement activity by NSW Fair Trading to actively address agent breaches of their new disclosure obligations. There will be education support for strata managers as well as owners' corporations. If owners understand their rights and responsibilities, they can also keep their agents honest. The Strata Hub will be key in allowing us to push out information about the new laws to owners' corporations via strata committee secretaries. The Government's \$8.3 million investment in a strata and property services taskforce will help educate owners' corporations and hold agents to account. Using this holistic approach, the Government is confident that the bill will make the lives of strata residents better.

I reject Ms Cate Faehrmann's claim that the Government did not release the targeted consultation submissions on the bill because stakeholder feedback was negative. Overall, the feedback the Government received during the targeted consultation on the bill was that stakeholders supported it as a step in the right direction. It is not standard practice to release those submissions, especially as stakeholders did not provide their submissions with the expectation that they would be made public.

I acknowledge the position of the Owners Corporation Network that the bill does not go far enough because it does not ban commissions outright. We have already assured members that the Government is seriously considering this matter. As I have already said, the Government is committed to consulting with stakeholders to ensure the changes we make achieve the outcomes we want and will not have unintended detrimental impacts. As members know, last year the Parliament passed the Strata Legislation Amendment Act 2023 to implement 31 recommendations from the statutory review of strata laws.

The Government expects to introduce the next tranche of reforms implementing most of the outstanding key statutory review recommendations as soon as possible. That tranche includes important reforms in relation to strata committee duties, unfair contract terms, embedded networks, strata agents, building managers and repairs and maintenance. Targeted consultation on the Government's next reform bill implementing the statutory review recommendations is currently ongoing.

The Government is dedicated to taking meaningful action against behaviour that undermines confidence in strata living. By passing the bill, we are upholding fairness and transparency, which are essential for effective strata governance. I thank the key stakeholders who provided valuable input on the bill. Their input has helped ensure that it works effectively and achieves the intended goals. I also thank NSW Fair Trading for its hard work to bring the bill to fruition so quickly. I commend the bill to the House.

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** The question is that this bill be now read a second time.

**The House divided.**

Ayes .....27

Noes .....5

Majority.....22

#### AYES

Buttigieg  
Carter  
D'Adam  
Donnelly  
Fang  
Farlow  
Houssos  
Jackson  
Kaine

Latham  
Lawrence  
MacDonald  
Maclaren-Jones  
Merton  
Mookhey  
Moriarty  
Munro  
Murphy

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

#### NOES

Boyd (teller)  
Cohn (teller)

Fachrmann  
Higginson

Hurst

**Motion agreed to.**

#### Third Reading

**The Hon. MARK BUTTIGIEG:** On behalf of the Hon. Penny Sharpe: I move:

That this bill be now read a third time.

**Motion agreed to.**

### ENVIRONMENTAL TRUST AMENDMENT BILL 2024

#### Second Reading Debate

**Debate resumed from 15 August 2024.**

**Ms SUE HIGGINSON (19:14):** On behalf of The Greens, I indicate that we support the Environmental Trust Amendment Bill 2024. It is very appropriate that the bill requires the appointment of an additional member to the board, being an Aboriginal person. The Minister tabled a statement of public interest in relation to the bill, which states:

The Trust has an important role in working with Aboriginal peoples to promote history, cultural heritage and caring for Country.

It is commendable that move is being made and those steps are being taken. The Minister, in her second reading speech, talked about how it goes to closing the gap in New South Wales, and it is a really important matter at a really important time. But it would be unbelievably remiss of us not to talk about that in a slightly broader context, relating directly to the move to place an Aboriginal person on the board to reflect Aboriginal views and cultural heritage in caring for country, and to promote their history.

The Government has stated that the National Agreement on Closing the Gap is a top priority, in partnership with Aboriginal organisations, communities and people. Closing the gap matters to the Government except for all the times it does not. We talk about it as a whole-of-government response, but it often looks more like a none-of-government response. The statement of public interest is really clear, and I just wish that was genuinely the Government's approach across the board.

It would be remiss of us not to reflect on what the Government did yesterday, which was to vote with the Opposition on a motion of a Pauline Hanson's One Nation member regarding a decision of the Commonwealth Labor environment Minister about Aboriginal cultural heritage. As we move bills in this place that have good outcomes for closing the gap and pursuing the really important interests of First Nations people, culture, heritage, empowerment and decision-making, it is important that we place on record and accept the radical truth of the hypocrisy of this House and this Government at this time.

I understand that there are certain things that can and cannot be done based on the time and the opportunities that are presented, but yesterday was a shocking indictment on exactly that point. While pursuing the interests and listening to the voices of First Nations people, respecting what they do when they engage with the legal processes of this country, Government members had the hide to vote on a motion saying that they are disappointed in another government actually listening to First Nations people about the very things we are voting on today in this bill.

It is incredibly frustrating and the hypocrisy is cruel. We need to engage with a little bit more of what I would refer to as radical truth, because that is what the issue needs. If we as a State are genuinely going to close the gap, we need to honestly interpret the provisions and words of the Productivity Commission report earlier this year that explained in no uncertain terms why we are failing to meet so many of the targets that the Government is committed to achieving.

One of those elements is when we clearly disrespect First Nations people and when we do not do the things that continue to empower First Nations people but, in fact, engage in things that undermine the voices of First Nations people. All members know what it took for those First Nations Wiradjuri people to make that section 10 application. It was very onerous. Now we are putting a First Nations representative onto the trust, which is a good step. But to do it in the current context—in this sitting, in this Parliament, in this week—following on from what all members had to endure and witness yesterday is seriously hypocritical. I call on and beg this Government to be more consistent. It must step up when it comes to First Nations engagement about protecting culture and country.

Let us be honest about what we are talking about when we do that: We are talking about First Nations justice, we are talking about First Nations health and we are talking about the economic development and progress of First Nations communities across New South Wales. Of course The Greens support the bill; of course we support steps to have Aboriginal representation on the Environmental Trust board; and of course we welcome, support and provide all our strength and power to any government that takes steps in earnest towards Closing the Gap. But taking steps forward will not work and will not mean anything if we keep taking 10 steps back. That is what the Government has been doing. It has been doing that in the law and order space and we saw it yesterday with a simple but very important motion. First Nations people are suffering as a result of that motion. While it is a good step to put First Nations people on boards to inform their processes, that does not make up for the shortfalls when we take serious steps backwards. Of course The Greens will be supporting the bill.

**The Hon. NATALIE WARD (19:21):** On behalf of the Opposition I indicate that we on this side will be supporting the Environmental Trust Amendment Bill 2024. I appreciate the opportunity to indicate that support, given that during my time as a Minister of the former Government we had a mandate in our charter letter to address Closing the Gap. Every single Minister was required to meet that mandate, and I am pleased that that work continues—of course it should and must. Steps were taken to ensure that accountability through every ministerial letter and quarterly meeting headed by the President in his then role as Minister for Aboriginal Affairs. I was pleased to have the opportunity to meet with First Nations people at that time. That great work continues.

I commend the Minister and the Government on introducing the bill, which proposes to make minor amendments to the Act to establish an Aboriginal Environmental Trust member under section 6 (2). That amendment is important because it allows the appointment of that new member to bring their Aboriginal heritage, insight, understanding and awareness to this very important role. The operation of the provision has been changed so that that additional voting member can make decisions about grants; they should be part of that decision-making process. The Environmental Trust has been around for over 20 years. It has a long history of association with Aboriginal people in New South Wales. It has been delivering the Protecting Our Places grant program for 20 years and empowering Aboriginal communities to protect, conserve and restore landscapes and waterways that are important to them, because they know what they need best.

That is important to the aim of restoring healthy country, which all members want to work collectively to achieve. Importantly, I commend the Government on its newly developed strategy that acknowledges the importance of prioritising healthy country and recognising and integrating the values of Aboriginal peoples. I note that the change does not impact any other part of the Act. That Aboriginal member will ensure the appropriate cultural representation on the Environmental Trust board and oversight of priorities in the strategic plan. Those are important matters that the Coalition absolutely supports.

I note that section 6 (2) (c) currently refers to the Chief Executive of the Office of Environment and Heritage, which will be omitted from the Act and replaced with the Secretary of the Department of Climate Change, Energy, the Environment and Water. The Opposition has no issue with that. On that basis, I indicate that the Opposition is supportive of the bill and I thank the Government for bringing it forward. Finally, I commend the trust for the work that it does.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (19:24):** In reply: I thank all members who made a contribution to debate on the Environmental Trust Amendment Bill 2024 and I welcome their support. Ms Sue Higginson said a range of things that were outside the leave of the bill, but I let her say them even though I disagree with most of them. The bill proposes a straightforward change. In fact, I am a bit horrified, to be honest, that the grants have been around for such a long time yet there has never been an Aboriginal person on the trust board. It is time for this Parliament to walk the talk.

I encourage Aboriginal people who are interested in this work to apply. I look forward to informing the House, once the bill has passed—it looks as if it has the support it needs—about what the trust is doing. I also look forward to updating the House on the work this Government is doing with Aboriginal communities across the State to care for and protect country, as well as on Aboriginal empowerment through work that is going on in national parks and a range of other ways as this Parliament works assiduously to close the gap and to meet the targets that the State has signed up to. I commend the bill to the House.

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** The question is that this bill be now read a second time.

**Motion agreed to.**

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

That this bill be now read a third time.

**Motion agreed to.**

*Adjournment Debate*

## ADJOURNMENT

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

That this House do now adjourn.

## VOLUNTARY ASSISTED DYING

**The Hon. DAMIEN TUDEHOPE (19:26):** Yesterday the House unanimously supported a motion which stated, without any qualification, that "we must all strive towards zero suicide". Since 28 November 2023 the New South Wales Government has carved out from this goal of zero suicide anyone who has made a request to have their life ended by the ingestion or administration of a lethal substance approved by the Secretary of NSW Health, and who has been authorised by the Voluntary Assisted Dying Board either to end their own life or to have a medical or nurse practitioner end their life for them.

In the first three months of this pro-suicide scheme, from December 2023 to February 2024, the number of non-State-approved suicides remained roughly the same, at 223 suicides, as the three comparable months in the previous year, at 229 suicides. However, if the 40 State-authorised suicides and the 91 State-authorised euthanasia killings by practitioners are included, the number of suicides rose by 54.6 per cent to 354 self-intended deaths. The reasons for suicides without State approval, and for suicide or euthanasia with State approval, are similar, including the impact on the intentional life-ending due to profound feelings of isolation and loneliness.

A 2014 study of assisted suicides in Switzerland found that there was a higher rate among people living alone and the divorced. Study leader Professor Matthias Egger commented, "Social isolation and loneliness are well-known risk factors for non-assisted suicides, and our results suggest that they may also play a role in assisted suicide." The Netherlands euthanasia evaluation and control commission approves euthanasia for people where mobility difficulties, increasing deafness or loss of vision have led to loneliness, social isolation or a decreased ability to engage in enjoyable activities.

In Belgium, in 2020 and in 2021, there were 234 cases of euthanasia where visual disturbances, sometimes in association with a pronounced hearing impairment, were at the origin of a total dependence and a marked loss of autonomy, which led to social isolation due to the inability to communicate with others, a feeling of loneliness, the feeling of being a burden on others, and the feeling that continuing to exist no longer made sense. The annual report on euthanasia in Quebec for April 2021 to March 2022 stated that 1,700 people euthanased, or 47 per cent, gave as a reason the perceived burden they were on their family, friends or caregivers, and 824 people, or 23 per cent, reported isolation or loneliness as a reason.

All those who feel isolated and lonely or who feel like a burden on others should have their value affirmed and shown genuine kindness and support. No-one should be abandoned by affirming a suicidal intent. If we are genuinely committed to zero suicides in New South Wales, we must ensure that no-one is excluded and no-one is

told, "We not only agree with your suicidal thought that you would be better off dead, but we will give you a deadly poison or officially authorise a doctor or a nurse to kill you."

### ALBURY WODONGA REGIONAL HOSPITAL

**The Hon. BOB NANVA (19:30):** It goes without saying that, with any change in government, there is an opportunity to take stock of old issues with a different lens. Indeed, there can be an expectation, if not demands, that different solutions on many specific matters be delivered immediately, without consideration of broader impacts, capacity or competing statewide priorities. This is particularly so in the case of projects that are inherited by new governments that have spent some years in opposition. Obviously the flexibility to change course on any given project is dependent on how far along it is, the binding commitments that have been made or the resources that have already been allocated.

One example of a large regional project underway is the development of Albury Wodonga regional hospital. This important project is more complicated than most, with investment from the Federal Government as well as the New South Wales and Victorian governments. Albury Wodonga being on the border and sharing jurisdictions creates a lot of challenges for anyone trying to administer and improve a hospital. What is undeniable is that improvement is necessary, and the over 300,000 residents in its catchment area deserve a higher standard of care. With planning still underway in 2024, the hospital project is not finalised. However, it is expected to deliver a new multistorey clinical services building, as well as updates throughout the campus. The end result will double the current floor space, meaning more beds, more operating theatres, a new children's inpatient unit, a new intensive care unit, a new acute mental health unit, and various other upgrades, like a new helipad and refurbished clinical areas.

The project will also consolidate a range of acute clinical services at Albury, while the Wodonga campus will become a non-emergency care hub, with a planned expansion for sub-acute care. By using the existing campus, the project will help avoid the duplication of services and reduce the travel time between Wodonga Hospital and Albury Hospital. The residents of Albury and along the border are currently burdened with a hospital that is ageing and no longer fit for the community it serves. That is why the delivery of this \$558 million project, which is one of the largest regional health infrastructure investments in New South Wales, is well past time.

All that being said, I am also acutely aware of and understand the stakeholders who want the Commonwealth and State governments to do more or to do things differently. With any project of this scale and of such importance, there will understandably be competing visions, different ideas, varying priorities and criticisms. To that point, members in this place have advocated such points strongly. Dr Amanda Cohn, whom I respect, is genuinely passionate and concerned about the future of this project. I have sought and received assurances that, firstly, inpatient units will continue to operate and connect with the proposed new clinical services building and, secondly, the clinical services building will be designed with an eye to future expansion, designed so that it can grow when the needs of the community demand it.

Upon taking government, the health Minister found a system in varying stages of crisis across the State. It will take time, energy and money to ensure that services are at the state residents should rightly expect, from Albury-Wodonga to the Tweed and from the coast to Broken Hill. In the case of Albury Wodonga Regional Hospital, good should not be the end of our aspiration. We must always strive to do better, particularly in respect of important regional projects. I know that the Minister wants to do more and will strive to do more. I know he holds that aspiration for hospitals and health care across the State. In the meantime, in respect of this particular project, a vigilant watch must be applied as it is shepherded through the months and years ahead. That is the right thing to do. It is the right project and I support it, but we will keep an eye on it.

### NATIONAL WATER AGREEMENT

**The Hon. MARK BANASIAK (19:35):** I speak to the consultation on the draft principles of the National Water Agreement [NWA]. In response to my question in question time today, the Minister for Water confirmed that the agreement will be an update to the 2004 National Water Initiative [NWI]. It is important to remember that the development of the NWI was a significant, decade-long effort. State governments and stakeholders played a key role in shaping water management actions. The NWI was viewed as binding and States recognised the compliance mechanisms in place. That stands in sharp contrast to the way the draft principles have been developed in this iteration. Consultation has been minimal and surface level, causing confusion about the role of State governments in the process.

State-based peak bodies representing those most affected by the outcomes have been left out of roundtable discussions on the NWA principles. While some core actions from the NWI have been included, many have been altered in ways that could weaken the secure, sustainable and productive use of water resources for agricultural users in New South Wales. The proposed NWA may seem non-binding and unenforceable, but in practice it will

be binding. If a State chooses not to commit to the new NWA, it will create uncertainty and cast doubt on its commitment to the water management foundations built over the past 20 years. If New South Wales signs the agreement, it will signal to stakeholders that New South Wales intends to strictly follow those principles, with regulations expected to align accordingly.

The draft principles establish a tiered system for water management in which the Federal Government has placed those who pay for and use water at the bottom. Despite that lower status under the introduction of the 302 principles, those who rely on water for food and fibre production will end up paying more to implement changes in which they have had little say. Today in her answer the Minister rightly pointed out that most of those principles will require State-based action plans for their implementation. Those plans will require dedicated staff and resources, which will place inflationary pressure on the price of water. Many of the proposed principles would require regulatory and legal change to be effectively implemented. The first example is principle 3.2, which states:

Acknowledgment that Aboriginal and Torres Strait Islander Peoples never ceded lands and waters ownership and holistically managed lands and waters for more than 65,000 years, including during dynamic ever-changing climate challenges.

That principle extends beyond the scope of the agreement, involving broader constitutional, institutional and legal reforms that have not yet been made. For the Australian Government to implement this acknowledgment with legal effect it must follow the proper democratic processes for amending relevant national instruments and ensure transparency with the Australian people. In short, the principle attempts to sidestep the outcome of the Voice referendum. It is an example of activist public servants playing politics.

Principle 3.3 states, "Waters in all their forms are acknowledged to be living entities." That is a whimsical, unproven concept dreamed up by career academics who spend their days navel gazing in their ivory towers. To achieve this aim, water would need to be given legal personhood status and be therefore capable of bearing rights and duties. What rights and duties should we bestow upon this mystical water person, and who will be elected to represent them? Perhaps Ariel the mermaid or that little Jamaican crab of hers?

Principle 3.7 asserts this recognition is underpinned by "declarations at a national and international level, and has regard to the principles of free, prior, and informed consent" as it relates to Aboriginal rights. Potential legal and regulatory conflicts with that principle include Indigenous water rights versus existing allocations; water markets and property rights; cultural and environmental water flows; government-led water sharing, allocation and management plans; increased regulatory, legal and investment uncertainty; and compensation issues.

Those are merely three of 300-odd examples of problematic principles that will have a significant impact on the farmers in this State. The Minister took a question on notice about whether the Government will conduct a legislative and regulatory impact study on the principles before signing off on the final agreement. Not only is it necessary to conduct such a review, but to fail to do so would be a gross dereliction of duty.

## RACING INDUSTRY

**The Hon. MARK LATHAM (19:39):** Previously I have explained how the CEO of Racing NSW uses his power as the industry regulatory. With a weak, compliant racing board and dense network of political and media favours and patronage built up over decades, Mr V'landys is, quite frankly, out of control, and the slightest, most trivial criticism of or disagreement with him invokes immediate revenge. In September last year, Mr V'landys wrote to the highly respected chair of Aushorse, Antony Thompson—a great, long-time contributor to the New South Wales racing industry—accusing him of "orchestrating a campaign against Racing NSW, its chairman and myself personally, with this behaviour having serious consequences". Mr Thompson's crime was to say that the term of Russell Balding as Chairman of Racing NSW should not be extended. In the end, through the actions of this Parliament, it was not.

On 6 October Mr V'landys again wrote to the Aushorse chair, this time with the false allegation that Aushorse had collaborated with Anne Davies at *The Guardian* to out the way in which V'landys deliberately bought influence from the political class through free hospitality in the Directors Room at Royal Randwick Racecourse and other gifts, including Ben English's freebie to the Kentucky Derby with TwinSpires. The freeloaders at Randwick include Ben Fordham at 2GB, who calls V'landys "the Godfather", and his then producer James Willis. Willis started texting Antony Thompson in a campaign of harassment and intimidation on behalf of his master at Racing NSW, Mr V'landys. In six text messages, Willis accused Mr Thompson of running a campaign against Racing NSW. Does that sound familiar? He said he needed to interview him on the Fordham program, which was to do him in. Those text messages were sent rat-a-tat-tat to Antony Thompson.

Willis even claimed he had "more evidence that Aushorse may have been running a hit campaign against the executive at Racing NSW via the relevant Minister". In truth, he made that up. In response to the Willis matter, Minister Harris, in the abiding style of a V'landys lackey, has denied on the parliamentary *Notice Paper* ever providing such information to James Willis. The highly respected bloodstock expert Vin Cox received similar

treatment after he wrote to the racing Minister on 20 September last year arguing against the extension of Mr Balding's term. A few days later, Richard Callander wrote a piece for Breednet alluding to the powerful figures meddling in the affairs of Racing NSW, with the old V'landys chestnut that anyone who disagrees with the CEO at Racing NSW is trying to help Victorian racing.

Then the Channel 9 empire joined in, with John Redman, a producer at *A Current Affair*, giving Mr Cox the same treatment James Willis gave Antony Thompson, with persistent messages, harassment and threats to out him on *A Current Affair*. Weirdly and falsely, Redman claimed that the Breednet article "appears to allege political lobbying on behalf of Sheikh Mohammed". The ruler of Dubai has visited his Godolphin horse interest in Australia only once. It is more likely that I will ride a treble at Randwick on Saturday than it is that Sheikh Mohammed even knows who Russell Balding is. It was an absurd proposition. As if *A Current Affair* was ever going to run a segment on Sheikh Mohammed interfering in the extension of Russell Balding's term. The whole proposition was from planet Mars. It was nothing more than an attempt, on behalf of Racing NSW, to intimidate yet another well-intended contributor to the industry for disagreeing with the CEO, Mr V'landys.

Unfortunately, this is a very Sydney story. Peter V'landys is the ultimate networker. I always thought Kevin Rudd was the greatest power accumulator and networker I had ever met, but V'landys puts him in the shade. He buys influence from the media and his surrogates to, in return, do his bidding and intimidate and silence anyone in the racing industry who disagrees with him, while Chris Minns runs cover for V'landys out of fear that *The Daily Telegraph* and 2GB will turn on him and his political interests. What is this? Anyone who disagrees with the CEO of Racing NSW has a journalist set upon him. The media are bought off by freebies at Royal Randwick and Rosehill. I hope they do better than some of the National Party members, who got only a buffet instead of à la carte meals. I am sure they are doing a lot better in the Directors Room at Royal Randwick. Are we living in New South Wales or in a foreign dictatorship where media harassment, the misuse of the media and the harassment of individuals occurs? I fear for the future of racing as long as these tactics are allowed to continue.

#### AVERAGE SPEED CAMERAS

**The Hon. WES FANG (19:44):** On the front page of *The Sunday Telegraph* last weekend, the Government announced that it was looking to trial average speed cameras. This is yet another attack on rural and regional drivers. I was part of the chorus of people that originally called out my own side of politics for removing the speed camera warning signs in the last term of government, only to see people power get those signs returned. They were returned because mums, dads and tradies were the ones getting pinged. They were not being pinged for reckless, obscene speeding, but rather for being slightly over the limit. I fear that what we are about to see is the exact same thing again from this Minns Labor Government. The trials that have been announced are only to be rolled out in rural and regional communities.

They could be rolled out in Sydney on the M1, M4, M5 or M7, but only when there is less traffic and less congestion. They could be rolled out to be trialled in those Sydney areas, but instead the Government has chosen to roll them out in rural and regional communities. The people that can least afford to be pinged are the ones who will be paying, meaning it will be tradies, parents trying to get their kids to school from their property, and truckies and delivery drivers who are using that road. They may be travelling slightly over the speed limit, or trying to overtake one or two cars, but they are the ones who will be hurt by these trials. The Minns Labor Government was so critical of the previous Government's removal of speed camera warning signs, and yet it is now targeting average speed cameras. This strategy for road safety is completely wrong.

In the recent session of budget estimate hearings, I had the opportunity to ask the Centre for Road Safety experts some questions. Instead of rolling out average speed cameras, could we improve our major highways and increase speed limits given the improved vehicle safety we now have? Mr Deputy President, you live in a regional area. I pass Goulburn twice a week on my way to Wagga Wagga: once going up, and once going back. You and I both know that that stretch of the Hume Highway is particularly good. The cars being built now have been improved with things like lane keeping assist, radar cruise control and braking assistance if there is an accident. The safety systems built into cars now should mean that it is reasonable to travel at a faster speed limit than we originally set decades ago.

The Centre for Road Safety talks about the fact that an increased speed means an increased velocity, which means that the impact forces are greater and there is potentially more carnage. I accept all that but, as someone who travels roads regularly, I can say that fatigue is a bigger killer than speed and the more time a driver spends on the road, the more fatigued they are. The faster the speed limit, the less fatigue.

#### HEALTH SERVICES UNION

**The Hon. MARK BUTTIGIEG (19:49):** In late August a group of workers at Charingfield Aged Care Community, part of the Apollo Care Alliance, received back pay following advocacy from the Health Services



Union [HSU]. As of 1 July, the minimum wage was increased by 3.75 per cent. A group of direct-care workers at Charingfield noticed they were not receiving the wage increase and rightly brought it up with their workplace delegate, Brenda. With the help of local HSU organiser Hyojun Kim, impacted HSU members came together to bring the issue to Charingfield's attention. Charingfield has now updated the pay rates in their system and provided back pay to the affected members, citing an external payroll issue as the reason for the mistake.

Aged-care workers have historically been undervalued and underpaid, something the HSU has long been fighting to address. Earlier this year I brought to the House's attention the HSU's successful work value case in the Fair Work Commission, which set absolutely monumental pay rises for aged-care workers, including between 13.3 per cent and 28.5 per cent for direct-care workers and 6.96 per cent for indirect-care workers. Aged-care workers deserve to be paid fairly and correctly. I congratulate the workers who came forward in the Charingfield case, as well as workplace delegate Brenda and HSU organiser Hyojun on their advocacy.

Another recent HSU win in the aged-care sector is the whopping 2,300-plus hours of annual leave returned to Bolton Clarke Cabrini aged-care workers. Twenty-one workers at Bolton Clarke Cabrini united and fought hard alongside the HSU to get their well-deserved leave recognised and paid out, continuing their campaign despite setbacks. I commend them for their collective efforts. Unions empower workers to stand up for themselves. That is the value of unions. Together we are stronger than alone. Those opposite go on and on, bashing the unions and totally disregarding their valuable work. The workers I am talking about tonight are doing vitally important work for our society, caring for our older community, and it is great to see them stand up for their well-deserved entitlements with the support of their union.

It is not just the aged-care sector; there is an endless number of recent examples of HSU members across health coming together to achieve good outcomes. After 12 months of work, the Mid North Coast Cancer Institute has agreed to add three new admin roles, including one at a manager level, and make changes to their structure. The new roles offer important career opportunities for health workers on the Mid North Coast. Another example is a recent win in our industrial relations system which will mean that health workers doing scientific work with a relevant degree can be considered hospital scientists rather than technical officers. That change will stop those qualified workers from being underpaid.

In yet another example, the Minister for Health, Ryan Park, confirmed last week that the Manning Hospital cafe will stay open following a campaign by HSU members, benefiting patients, their families and workers alike. They are all wins achieved since the last sitting of Parliament, and that is by no means an exhaustive list. I acknowledge the HSU and its secretary, Gerard Hayes, for their excellent work. Unlike those opposite, on this side of the Chamber we are proud to support the interests of working people and their representatives. The Government's core business is rebuilding our essential services, which very importantly includes paying our essential workers fairly. We are very proud of that and will continue to work hard to achieve it.

During the questions without notice take-note debates and other debates on bills, I constantly hear members denigrating unions and labelling union members as thugs, and yet unions like the Health Services Union, contrary to the Hon. Chris Rath's assertions that unions are in decline, are growing exponentially in membership. Why? Because it is working hard on behalf of its members to get outcomes. They are the unions we support, and will continue to support. They do great things for working people.

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** The question is that this House do now adjourn.

**Motion agreed to.**

**The House adjourned at 19:54 until Tuesday 24 September 2024 at 12:30.**