

## LEGISLATIVE COUNCIL

**Tuesday 24 September 2024**

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

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

### *Bills*

#### **GOVERNMENT SECTOR FINANCE AMENDMENT (INTEGRITY AGENCIES) BILL 2024**

#### **TRANSPORT ADMINISTRATION AMENDMENT BILL 2024**

### **Assent**

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

### *Members*

#### **PLEDGE OF LOYALTY**

**The PRESIDENT:** At a joint sitting held on 19 September 2024 Mr Scott James Barrett was elected to fill the vacant seat in the Legislative Council caused by the resignation of the Hon. Bronnie Taylor.

Mr Scott Barrett took and subscribed the pledge of loyalty and signed the Roll of the House.

### *Motions*

#### **TRINITY PRESCHOOL**

**The Hon. SAM FARRAWAY (12:34):** I move:

- (1) That this House notes that:
  - (a) for 100 years Trinity Preschool has been shaping the lives of young children in Orange and from across the Central West; and
  - (b) on Saturday 24 August 2024 Trinity Preschool celebrated 100 years of service to the Orange community.
- (2) That this House acknowledges:
  - (a) Trinity Preschool has rich history dating back to 1924 when it began as a girls grammar school initiated by the Anglican Church;
  - (b) over the years, it transitioned locations, first to the Bluestone Trinity Preschool Church building in 1927 and then to Kite Street in 1952 and during this period, it provided education to both girls and boys from preschool through to intermediate standard;
  - (c) in the early 1970s, recognising the need for a new building and shifting educational priorities, the focus shifted solely to preschool education, and consequently in 1976, Trinity Preschool relocated to its current location on Kooronga Avenue, thanks to the generous donation of land by the Carpenter family; and
  - (d) Trinity Preschool continues its tradition of providing quality early childhood education to 160 children weekly.
- (3) That this House congratulates:
  - (a) Trinity Preschool President Laura Traeger, Vice President Rebecca McLaurin, Secretary Annabelle Kirchler, Treasurer Alex Hassall and committee members Georgina Gowing, Natalie Davis and Kiri Spilthof for their dedication to one of the region's largest not-for-profit community-based preschools; and
  - (b) Trinity Preschool Director Sarah Evans for her commitment to early childhood learning and efforts in coordinating the 100th birthday celebration of Trinity Orange.

**Motion agreed to.**

#### **MCPHILLAMYS GOLD PROJECT**

**The Hon. SAM FARRAWAY (12:34):** I move:

- (1) That this House notes that:

- (a) on 18 September 2024 during debate in the House on a motion concerning the Aboriginal and Torres Strait Islander Heritage Protection (Kings Plains) Declaration 2024, Ms Cate Faehrmann, by leave, tabled a document authored by Lisa Paton on behalf of the Wiradyuri Traditional Owners Central West Aboriginal Corporation, entitled *Additional Evidence for the State heritage Application for the Kings Plains Cultural Landscape*, dated 28 June 2023; and
  - (b) Ms Cate Faehrmann did not move, and the House did not resolve, that the document be published, and that accordingly, under the terms of Standing Order 56 (5), the document is available for inspection by members of the House only in the Office of the Clerk.
- (2) That under Standing Order 56 (5), the document entitled *Additional Evidence for the State heritage Application for the Kings Plains Cultural Landscape* be made public.

**Motion agreed to.**

**The PRESIDENT:** There is a lot of noise outside the Chamber. Members will limit their conversation in the Chamber to avoid extra noise. I ask members who are seeking the call or objecting to a formal business item to do so in a loud, clear voice.

**CANREVIVE**

**The Hon. MARK BUTTIGIEG (12:36):** I move:

- (1) That this House notes that:
  - (a) CanRevive held its 2024 Lunar New Year Party on 15 February 2024 in Hurstville, and the Hon. Mark Buttigieg, MLC, was honoured to attend, representing the Minister for Small Business, Minister for Lands and Property, Minister for Multiculturalism and Minister for Sport, the Hon. Stephen Kamper, MP;
  - (b) since 1995, CanRevive Inc. has been providing support to Chinese-speaking people through their cancer journeys and the public benevolent institution aims to minimise the impact of cancer on patients and their families by providing information and emotional support to cater for their cultural and linguistic needs;
  - (c) the event was a vibrant celebration of Lunar New Year, with many fantastic performances by volunteers and community members, games, lucky draws and speeches, and being the year of the dragon, idioms associated with the dragon were discussed, as were the traits associated with the dragon, including good fortune, wisdom, success and protection;
  - (d) a warm welcome speech was delivered by the President of CanRevive, Mr Eric Yeung, and attendees were addressed by the Hon. Mark Buttigieg, MLC, Ms Julia Finn, MP, member for Granville, representing the Premier, and Mr Mark Coure, MP, member for Oatley, and it was a fantastic opportunity to wish a happy dragon year to members of an organisation that is doing such important work for Chinese-speaking members of our community; and
  - (e) other community leaders attending the event included:
    - (i) the Hon. Scott Farlow, MLC;
    - (ii) Mr Tim James, MP;
    - (iii) Mr Matt Cross, MP;
    - (iv) Councillor Nancy Liu, Georges River Council; and
    - (v) Councillor Ben Wang, Georges River Council.
- (2) That this House congratulates CanRevive on conducting such a wonderful Lunar New Year party and thanks it for its work to provide support for Chinese-speaking cancer patients and carers.

**Motion agreed to.**

**DOMESTIC AND FAMILY VIOLENCE AND CHILD HEALTH**

**Ms ABIGAIL BOYD (12:36):** I seek leave to amend private members' business item No. 1355 for today of which I have given notice by omitting in paragraph (3) "commit" and inserting instead "affirm its commitment".

**Leave granted.**

**Ms ABIGAIL BOYD:** Accordingly, I move:

- (1) That this House notes that according to the Australian Institute of Health and Welfare [AIHW] in a report entitled *Health service use among young people hospitalised due to family and domestic violence* published on 21 August 2024:
  - (a) on average, one child a day has a domestic and family violence related hospital stay in Australia;
  - (b) one-third of these children are First Nations;
  - (c) 54 per cent of children are girls and 46 per cent are boys, with boys typically being younger than girls at their first hospital stay;
  - (d) 37 per cent had their first family and domestic violence related hospital stay before the age of five, and 18 per cent had their first hospital stay before the age of one;

- (e) parents are identified as the most common perpetrator at 62 per cent, with another family member second most common at 25 per cent;
  - (f) children and young people who are victims of domestic and family violence experience unique barriers to accessing support, including fear of not being believed, previous negative experiences with police and legal systems, fear of withdrawal of support by their caregiver, lack of understanding or recognition of the abuse or its seriousness, perceived or actual reliance on the perpetrator of violence especially when it is a parent or carer, being unable to express or communicate the abuse, lack of appropriate targeted institutional supports and more; and
  - (g) health services are critical points of intervention for responding to domestic and family violence and understanding how children and young people who experience family and domestic violence interact with the health care system, as well as their outcomes can provide evidence for potential intervention and screening points.
- (2) That this House affirms that children and young people who experience domestic and family violence are victim-survivors in their own right, and it is critical that we recognise this in order to establish targeted supports that meet their health, safety, healing and recovery needs.
  - (3) That this House calls on the Government to affirm its commitment to recognising children as victims of domestic and family violence in their own right and embed this within policy and legislative decisions, to take proactive action to remove barriers faced by child victims and to improve support for health staff to better identify and respond to child victims of domestic and family violence.

**Motion agreed to.**

### **MCMAUGH GARDENS AGED CARE**

**Ms ABIGAIL BOYD (12:37):** On behalf of Dr Amanda Cohn: I move:

- (1) That this House notes that:
  - (a) McMaugh Gardens Aged Care Facility is a centrally located, Commonwealth-approved, fully accredited and not-for-profit residential aged-care facility that is operated by Uralla Shire Council;
  - (b) this council-run facility provides essential aged-care services and is beloved by the local community, who through fundraising, advocacy and volunteering have supported this service to provide residents with high-quality and dignified care in their local community; and
  - (c) there are ongoing concerns about adequate funding and staffing levels at council-owned and regional aged-care facilities, including at McMaugh Gardens.
- (2) That this House commend the work of Uralla Shire Council, McMaugh Gardens Aged Care Facility and other council-owned aged-care services.
- (3) That this House further notes that local government leadership has been essential in the provision of affordable and quality care to aging populations in their communities.

**Motion agreed to.**

### *Bills*

### **CHILD PROTECTION (OFFENDERS REGISTRATION) AMENDMENT BILL 2024**

#### **Messages**

**The PRESIDENT:** I report receipt of a message from the Legislative Assembly agreeing to the Legislative Council's amendment to the bill.

### **PORTS AND MARITIME ADMINISTRATION AMENDMENT BILL 2024**

#### **Returned**

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

### **REGIONAL DEVELOPMENT AMENDMENT BILL 2024**

#### **Messages**

**The PRESIDENT:** I report receipt of a message from the Legislative Assembly agreeing to the Legislative Council's amendments to the bill.

### *Committees*

### **JOINT SELECT COMMITTEE ON ARTS AND MUSIC EDUCATION AND TRAINING IN NEW SOUTH WALES**

#### **Messages**

**The PRESIDENT:** I report receipt of the following message from the Legislative Assembly:

MR PRESIDENT

The Legislative Assembly informs the Legislative Council that it has this day agreed to the following resolution:

- (1) This House agrees with the Legislative Council's resolution relating to the extension of the reporting date of the Joint Select Committee on Arts and Music Education and Training in New South Wales to 13 December 2024.
- (2) That a message be sent informing the Legislative Council of this resolution.

Legislative Assembly  
20 September 2024

GREG PIPER  
Speaker

## LEGISLATION REVIEW COMMITTEE

### Reports

**The Hon. CAMERON MURPHY:** I table the report of the Legislation Review Committee entitled *Legislation Review Digest No. 19/58*, dated 24 September 2024.

## SELECTION OF BILLS COMMITTEE

### Reports

**The Hon. BOB NANVA:** I table report No. 23 of the Selection of Bills Committee, dated 24 September 2024. According to standing order, I move:

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

- (a) Agriculture Commissioner Bill 2024;
- (b) Crimes (Domestic and Personal Violence) and Other Legislation Amendment Bill 2024;
- (c) Environmental Planning and Assessment Amendment (Certification) Bill 2024;
- (d) Marine Safety Amendment Bill 2024;
- (e) Music Festivals Amendment Bill 2024;
- (f) Police Amendment (Police Officer Support Scheme) Bill 2024;
- (g) Portable Long Service Leave Legislation Amendment Bill 2024; and
- (h) Road Transport Legislation Amendment (Speed Camera Detection) Bill 2024.

**Motion agreed to.**

## SELECT COMMITTEE ON THE PROPOSAL TO DEVELOP ROSEHILL RACECOURSE

### Reports

**The CLERK:** According to standing order, I announce receipt of report No. 1 of the Select Committee on the Proposal to Develop Rosehill Racecourse entitled *Special report on a possible contempt in the inquiry into the proposal to develop Rosehill Racecourse*, dated September 2024, received out of session and published on 20 September 2024.

## PORTFOLIO COMMITTEE NO. 1 - PREMIER AND FINANCE

### Reports

**The CLERK:** According to standing order, I announce receipt of report No. 64 of Portfolio Committee No. 1 - Premier and Finance entitled *Alcohol Consumption in Public Places (Liberalisation) Bill 2024*, dated September 2024, together with transcripts of evidence, submissions, correspondence, summary report to the online questionnaire and answers to questions taken on notice, received out of session and published on 20 September 2024.

**The PRESIDENT:** According to standing order, the second reading of the Alcohol Consumption in Public Places (Liberalisation) Bill 2024 now stands as an order of the day for the next sitting day.

## STANDING COMMITTEE ON SOCIAL ISSUES

### Government Response

**The CLERK:** According to standing order, I announce receipt of a Government response to report No. 63 of the Standing Committee on Social Issues entitled *Procurement practices of government agencies in New South Wales and its impact on the social development of the people of New South Wales: First Report*, tabled on 21 June 2024, received out of session and published on 20 September 2024.

*Documents***TRANSPORT AND ROADS REVIEWS****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 14 August 2024, I table:

- (a) a return received on Friday 20 September 2024 from the Cabinet Office, together with an indexed list of documents;
- (b) a return received on Friday 20 September 2024 from the Cabinet Office of documents subject to a claim of privilege; and
- (c) a return received on Friday 20 September 2024 from the Cabinet Office of documents subject to a claim of personal information.

**ASSISTED REPRODUCTIVE TECHNOLOGY****Disputed Claim of Privilege**

**The PRESIDENT:** According to Standing Order 52, I inform the House that on Thursday 19 September 2024 the Hon. Jacqui Munro disputed the validity of a claim of privilege on a document returned on Friday 7 June 2024 relating to assisted reproductive technology. The Hon. Keith Mason, AC, KC, was appointed as Independent Legal Arbiter to evaluate and report as to the validity of the claim of privilege. The disputed document was released to the Hon. Keith Mason.

**ERARING POWER STATION CLOSURE****Disputed Claim of Privilege**

**The PRESIDENT:** According to Standing Order 52, I inform the House that on Thursday 19 September 2024 the Hon. Jacqui Munro disputed the validity of a claim of privilege on a document returned on Thursday 13 June 2024. The Hon. Keith Mason, AC, KC, was appointed as Independent Legal Arbiter to evaluate and report as to the validity of the claim of privilege. The disputed document was released to the Hon. Keith Mason.

*Petitions***PETITIONS RECEIVED****Gender Identity**

ePetition requesting that the Legislative Council call on the Government to remove the words "gender identity" from the Conversion Practices Ban Act 2024 and support an independent public inquiry into gender-affirming care for children and young people in light of the Cass review, received from **the Hon. John Ruddick**.

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

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

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

*Documents***TABLING OF PAPERS**

**The Hon. TARA MORIARTY:** I table a notification under section 15 of the Forestry Act 2012 of proposed revocation of a dedication of part of Bago State Forest, Parish Wallace, County of Selwyn.

*Bills***WATER LEGISLATION AMENDMENT BILL 2024****First Reading**

**Bill introduced, read a first time and ordered to be published on motion by the Hon. Rose Jackson.**

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

**Statement of public interest tabled.**

## Second Reading Speech

**The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (13:25):** I move:

That this bill be now read a second time.

The Water Legislation Amendment Bill 2024 is riveting, so it is great that so many members are in the Chamber to listen to the beginning of this speech. The bill is all about providing legal clarity and does two important things. Firstly, it provides critical amendments needed to remake three regulations that are relied on to effectively manage water in New South Wales: the Water Management (General) Regulation, the Sydney Water Regulation and the Water NSW Regulation.

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

**The Hon. ROSE JACKSON:** I know that the Hon. John Graham is very familiar with them. Secondly, the bill clarifies the legal validity of some licences and approvals that were incorrectly converted from the Water Act 1912 to the Water Management Act 2000. As I am sure all members are very interested, I will outline for the House the features of the bill. Firstly, the bill introduces a series of amendments to three Acts that are relied on to manage water in New South Wales—the Sydney Water Act, the Water Management Act and the Water NSW Act—to provide clear regulation-making powers. In the course of remaking the regulations that sit under those Acts, as part of a statutory staged repeal process, a need for clearer regulation-making powers for a range of existing provisions was identified. Without clear regulation-making powers in the relevant Acts for those provisions, they cannot be included in the regulations when they are remade. The provisions are critical to the management of water resources in New South Wales. We clearly need to fix that up.

All three regulations are due to be remade by 1 September 2025. The amendments in the bill need to be passed in this session of Parliament to ensure that the regulations can be remade by that deadline. Members may not know that remaking regulations is a significant undertaking. A lot of work goes into reviewing and remaking the regulations to ensure they work as they should. I take this matter very seriously, though members opposite may not. The remake process involves public consultation on the draft regulations and an assessment of the regulatory impact of any changes that are proposed to be made. It is an important and transparent process that takes time. If the bill is not passed in this session, the remake will need to be postponed. Two of those remakes have been postponed several times, and I do not want to further postpone and delay a process that is in place to protect the health of our water resources, manage access to those resources and benefit the people of New South Wales. It is vital that our water management legislation and the regulations that support it are clear and legally sound so they can be understood and applied as intended.

The bill ensures that all necessary provisions in the regulations can be remade to safeguard drinking water quality and the infrastructure of Sydney Water, WaterNSW and Essential Water. Critically, it includes regulating and prohibiting access to sensitive areas and allowing authorised officers to direct people to move on from places they should not be. We do not want anyone in our special catchment areas who should not be there. The bill also contains amendments to the Water Management Act to make the Water Management (General) Regulation more legally robust. Some of the amendments in the bill have been identified by the Parliamentary Counsel's Office as including indirect Henry VIII provisions. Those provisions are noted in the explanatory notes of the bill. Henry VIII provisions allow an Act to be amended by subordinate legislation. They have been included in this bill only because they are essential to enable the remake of the regulations next year.

The bill includes a clear power for the Water Management (General) Regulation to require drought works constructed without the need for an approval to be properly maintained or decommissioned. This change supports a more effective operation of an existing provision in the regulation. This amendment is an indirect Henry VIII provision. The amendment will minimise risk to water resources, other water users, public safety and the environment and ensure these works, if maintained, can be used in future droughts. The bill includes a clear power for the regulations to deal with the way water allocation accounts are debited if someone has two or more water access licences. This gives effect to existing statewide rules and avoids the need for every water sharing plan to be amended to include these rules.

The bill includes a clear power for water management plans to require advertising of certain applications for approvals. This will improve the opportunity for the public to have their say on approval decisions. Whilst most advertising rules are contained in the regulations, this change will allow the rules for advertising of applications to be specific to the relevant locations where necessary. The bill includes a clear power to grant exemption from mandatory conditions on access licences and approval, including in relation to metering equipment condition. The bill also includes a clear power to place conditions on some exemptions from the requirement to hold an access licence or approval. These are covered by three amendments to the Water Management Act that are indirect Henry VIII provisions.

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

*Visitors*

### VISITORS

**The PRESIDENT:** I welcome to Parliament students from Tempe High School, who are participating in the Legal Studies and the Legislature Program conducted by the Parliamentary Education and Engagement team. On this loud day, you are very welcome.

*Questions Without Notice*

### NURSES AND MIDWIVES INDUSTRIAL ACTION

**The Hon. DAMIEN TUDEHOPE (13:30):** My question is directed to the Leader of the Government. The Industrial Relations Commission has noted that the frustration of striking nurses, which members can hear coming from outside this building, is understandable given the failure of the Government to engage in any bargaining on wages. How does the Minister respond to the anger of nurses at what they say is a failure of the Minns Labor Government to negotiate in good faith?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (13:31):** I thank the Hon. Damien Tudehope for his question and his interest in the wages and conditions of the very fine men and women who make up the nursing workforce in New South Wales. They are incredible. Let us remember that those opposite left that workforce with over 1,200 nurses not funded. Nurses also had their wages frozen and a wage cap placed on them. They also did not have any ability to—

**The Hon. Damien Tudehope:** What's your wage cap—3.5 per cent?

**The Hon. PENNY SHARPE:** The Hon. Damien Tudehope asked the question. Is he going to wait for the answer or will he just keep going?

**The PRESIDENT:** Order!

**The Hon. PENNY SHARPE:** I am very happy to talk about the fact that those opposite did not fund 1,200 nurses, placed a wage cap upon them and did not allow them to negotiate in good faith. Those opposite just said no and sent them away. Let us be clear: We are not surprised that the nurses and midwives want 10 years of inaction fixed as quickly as possible. We take very seriously the concerns of nurses and midwives in New South Wales. We have set up the bargaining framework that allows them to negotiate with their employer and the union, as they should.

Nurses have been working very closely with NSW Health and the Minister for months. I will not go into details of those discussions, but I know that both NSW Health and the union are bargaining in good faith. We have also resourced the Industrial Relations Commission, as noted by those opposite. When it comes to the impasse in negotiations, there is the option for arbitration, if necessary. We are working through this. The health Minister has been working closely on that. Many Government members have also met with the nurses to hear their concerns.

**The Hon. Damien Tudehope:** Has the Treasurer met with them?

**The PRESIDENT:** Order!

**The Hon. PENNY SHARPE:** The Hon. Damien Tudehope asked the question and can wait for the answer. I again make the point that the nurses and midwives in New South Wales do an incredible job. This Government has done three of the most important things to support them for better wages and conditions. It has allowed them to bargain, entered into good faith negotiations and funded the continuation of 1,200 nursing roles after the black hole left by those opposite. We are also funding nurse-to-patient ratios, something that those opposite refused to do for 12 long years. We note the concerns of Opposition members in relation to worker wages and conditions and welcome the fact they seem to have a view on this. But members on this side of the House are working in good faith with all workforces we work with. We respect public servants, which is more than we can say for the Opposition.

**The Hon. DAMIEN TUDEHOPE (13:34):** I ask a supplementary question. I note the Leader of the Government's commitment to good faith bargaining. As an expression of good faith, will the Premier meet now with the nurses out the front of Parliament today?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (13:34):** It is good see the Opposition becoming more efficient, as

I know it asked this question downstairs in the other place. It is good to see that members opposite are sharing their questions, becoming more efficient and working through their question time committee. I am pleased about that. I do not have control of the Premier—

**The Hon. Damien Tudehope:** Point of order: The Leader of the Government is debating the question. The question was very simple.

**The Hon. PENNY SHARPE:** I was complimenting you on what excellent work you are doing.

**The Hon. Damien Tudehope:** The question was clear. The Minister should be directed to answer it.

**The Hon. Daniel Mookhey:** To the point of order—

**The PRESIDENT:** While I am sure the Treasurer's contribution would be amusing, we will not continue down this line. The Minister was directly coming to the point. The first two words of her next sentence were directly answering the question; I look forward to hearing the end of the sentence.

**The Hon. PENNY SHARPE:** It was a nice try from the Leader of the Opposition, but he cannot direct me to answer the question in the way he wishes me to answer it. I have to be directly relevant.

**The Hon. Damien Tudehope:** Point of order: Mr President, the Minister is now flouting your ruling. She was invited by you to come to the answer to the question, not to continue to debate whether she was.

**The Hon. Daniel Mookhey:** To the point of order: The Leader of the Opposition is the first person in the history of the Legislative Council to take exception to a government member praising his question. The Minister was praising his question prior to answering it. The Minister was being directly relevant, and she did not even have the opportunity to flout your ruling in the second iteration.

**The PRESIDENT:** I know that today members are dealing with more challenging circumstances than usual. If members could cut each other a little bit of slack, that would be much appreciated. If the Minister could answer the question in the remaining four seconds, that would also be appreciated.

**The Hon. PENNY SHARPE:** The Premier will make his own decisions in terms of who he meets with and when.

#### **PETS AND RENTAL PROPERTIES**

**The Hon. ANTHONY D'ADAM (13:36):** My question without notice is addressed to the Minister for Housing. Will the Minister update the House on what the New South Wales Government is doing to make renting fairer?

**The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (13:37):** I will update the House. I welcome the students from Tempe High to the gallery. After finishing at that excellent public school, many of them will no doubt go on to our excellent universities, TAFEs or further learning institutions and look to enter the rental market. Obviously that is a bit of rite of passage for young people—and, increasingly, not-so-young people. We are seeing more and more people renting. One-third of people in New South Wales are now renters. Some 50 per cent of people in Sydney rent, and those are not just younger people. People are renting longer. They are starting families in their rental properties. These days, pets are very much a part of our families. It has been too hard for renters who are starting families to add a furry family member.

Yesterday I was pleased to participate in an announcement about what we are doing to make it easier for renters to have pets. It is important that we recognise that pets are part of the family and clear rules are needed for renters and landlords. Landlords will no longer be able to refuse to have a pet in their rental property without giving a reason. Obviously there are some reasons why a pet may not be suitable, but the days of rental ads stating "No pets allowed" are over. That will no longer be allowed in New South Wales. Renters will have a right to request a pet, and that request can only be refused by the landlord for a valid reason. It is a really positive change.

It is particularly important to me as the Minister for Homelessness because people are struggling to find rentals in a really tough market if they have pets. They absolutely will not give up that beloved family member, and they are at risk of homelessness if they cannot find a rental that accepts pets. It is really important to me to acknowledge that link and to say to every renter in New South Wales that the Government has their back. We know how hard it is in the rental market right now: vacancy rates are so low and rents are going up. We are doing everything we can to build more affordable rentals for them. We are ending no-grounds evictions for them. We are making it easier for them to have pets in rentals. We are stopping the practice of charging renters for background checks. We are making sure that every renter has a free way to pay their rent. We have introduced a portable rental bonds scheme. [*Time expired.*]

## NURSES AND MIDWIVES INDUSTRIAL ACTION

**The Hon. SARAH MITCHELL (13:40):** My question is directed to the Treasurer. When asked this morning about the nurses' claim for a 15 per cent pay rise, the Premier stated that the Government has rejected that claim because "that kind of money we don't have". Have any bargaining parameters been approved for negotiations with the NSW Nurses and Midwives' Association for any pay rise above the budgeted offer of 10.5 per cent over three years?

**The Hon. DANIEL MOOKHEY (Treasurer) (13:40):** I thank the Deputy Leader of the Opposition for her question. The short answer is yes. The parameters that have been approved to inform the negotiation allow the Ministry of Health and the NSW Nurses and Midwives' Association to work through system changes that could yield additional resources that can be reinvested into the wages of nurses and midwives, who are party to the awards. The parameters allow that form of bargaining to take place. That is what has sat behind the now 14-odd meetings that I believe, from memory, the Ministry of Health and the NSW Nurses and Midwives' Association have had since about May. The NSW Nurses and Midwives' Association, to its credit, has engaged in good faith in those conversations. To be clear, so has the Ministry of Health.

To go into even more detail about the nature of those conversations, a large part of those 14 meetings was the Ministry of Health responding to a report by Deloitte that had been identified by the NSW Nurses and Midwives' Association. Deloitte argued in the report that there was opportunity to effectively offset some of the additional parts of the NSW Nurses and Midwives' Association claims. That report was put through serious scrutiny by the Ministry of Health and the NSW Treasury. In direct conversations with me, the NSW Nurses and Midwives' Association requested that I make Treasury available to assist in that process, which I did. We have not been able to reach agreement with the NSW Nurses and Midwives' Association on the extent to which that report is valid. To be fair to the NSW Nurses and Midwives' Association, it has revised its views at various points in those conversations as to what that report says and identifies.

I also make clear that a large part of that complexity arises from the fact that there are disputed interpretations of the Federal funding agreement that we have with the Commonwealth which, as members would know, funds roughly 45 per cent of New South Wales hospitals. That is precisely where we are up to on the particular point that the member asks about. We have also said to the Industrial Relations Commission—which we brought back—that we are happy to work with the nurses through the conciliation process if they so choose. We have also made it clear—and members would have heard the Premier make this point this morning—that we would accept the outcome of an independent umpire's decision. That is what mature governments do.

**The Hon. SARAH MITCHELL (13:43):** I ask a supplementary question. I thank the Treasurer for his answer. My supplementary question goes to the part of his answer where he talked about negotiations and meetings. Will the Treasurer confirm whether the Government has rejected all proposals put forward so far by the NSW Nurses and Midwives' Association for any pay rise above the Government's 10.5 per cent offer?

**The Hon. DANIEL MOOKHEY (Treasurer) (13:44):** I can confirm that we have not. That is not where we are up to. We have not rejected any such claim. We are working through the NSW Government Fair Pay and Bargaining Policy, which requires us to go through all the claims in good faith. The member does not necessarily need to take my word for it. She is entitled, as is every member of the House and every member of the public, to read on NSW Caselaw the specific recommendation made by President Taylor last Wednesday. In *Health Secretary, NSW Ministry of Health v New South Wales Nurses and Midwives Association* [2024] NSWIRComm 4, the President of the Industrial Court recommends:

- (1) The parties should enter into four weeks of intensive discussions immediately on the basis that;
  - (a) as a circuit breaker the Health Secretary agrees to vary the awards to provide an immediate 3% interim increase effective 1 July; and
  - (b) the Nurses Federation commit to cease all industrial action that is affecting patient care, pending the outcome of those discussions and any subsequent arbitration.

The president goes on to make some further recommendations. I make clear to the House that the Government accepts and will implement that recommendation. The conversation that we are having with the NSW Nurses and Midwives' Association is for us to agree with that. It is now open. As I understand it, the NSW Nurses and Midwives' Association has publicly said that it intends to put its position to its members today. I understand that further conversations will take place between the NSW Nurses and Midwives' Association and the Department of Health and the Government this week. We obviously urge the NSW Nurses and Midwives' Association to obey the orders that have been put by the court. Nevertheless, I make clear that the Government will accept the recommendations and the outcome of any independent umpire's decision if it comes to arbitration.

## REGIONAL ARTS

**The Hon. ROBERT BORSAK (13:46):** My question is directed to the Minister for the Arts, Minister for Music and the Night-time Economy—and everything else! Amateur theatre plays a vital role in rural and regional communities, enriching culture through the performance of drama, dance and musicals, which embrace many modern Indigenous and ethnic traditions. How is the State Government supporting the amateur dramatic arts in rural, regional and remote New South Wales?

**The Hon. Wes Fang:** Hear, hear! Great question.

**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) (13:47):** It was indeed a great question. I thank the member for his interest in the topic. I know that his party and many of his voters would agree with the view in the question. That is one of the reasons why we increased funding in the most recent budget. The key mechanism for funding that sort of activity is the Arts and Cultural Funding Program. Last financial year, it was \$69.4 million. We have been able to increase that to \$73 million this year, which will mean more support for regional organisations. That program is still rolling out this year, but to give members some sense of what it meant, the program was able to fund 163 regionally based organisations, artists and practitioners last year. That was worth \$12.6 million. More than \$1.1 million of that went to 17 individuals and organisations in theatre and musical theatre.

Across all the performing arts, more than \$2.5 million went to 46 individuals and organisations. That is one of the key measures in place. However, we are determined to strengthen it as part of the new policy. That is one of the reasons why, after the Creative Communities policy, we will roll out a regional strategy to look at what we can do to boost that sort of activity across the regions. That will be developed. Some of the key measures include working with local councils to reduce red tape for festivals and events; working with councils, communities and creative organisations in the regions, particularly to support regional touring, which was one of the key things that we heard; and supporting new creative industry workspaces in regional New South Wales.

We have been directly funding Regional Arts Touring. I recognise the Regional Arts Development Organisations, the RADOs. Last year, 15 of them received a total of \$3.25 million. They are doing incredible work. That is one of the reasons they are funded in that way. The final thing I will mention is that many of those activities do not receive government support but perform in local venues. The Government has a strong reform program to support pubs, clubs and halls to make it easier to bring entertainment back. It is not just supporting the arts directly; it is also supporting the venues that host many of those activities across our State through regulatory change.

**The Hon. ROBERT BORSAK (13:49):** I ask a supplementary question. My supplementary question was going to be: How much funding has the Government committed to ensuring this critical sector of the community does not flounder in the current cost-of-living crisis? The Minister has stuffed me right up.

**The PRESIDENT:** Does the Hon. John Graham have anything further to add?

**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) (13:50):** Let me add these fine details in answer to the member's supplementary question. Firstly, I reiterate that we had a jump in funding. To drill down, we were able to fund \$1.1 million for regional arts touring and \$3.25 million for the RADOs. That jump in funding will mean that despite the real cost-of-living pressure—and I have heard directly from the organisations about that—we will be in a position to continue to support them. In fact, we will be able to help with some of those rising costs.

**The Hon. WES FANG (13:50):** I ask a second supplementary question.

**The PRESIDENT:** Order! The Hon. Wes Fang will be heard in silence.

**The Hon. WES FANG:** Noting the Minister's reference to regional funding, will he commit to funding the Booranga writers festival, which the President funded when he was a Minister but which the Government cut?

**The PRESIDENT:** It is a long bow, but I will allow the second supplementary question for a range of different reasons. The Minister has the call.

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (13:51):** Firstly, I am delighted to receive a question from the Hon. Wes Fang. I will not reflect further than that. Secondly, I am delighted to receive a question on an arts matter and not on a roads matter, as his first instinct might have been. It

is a good question. I do not know too many of the details, but there is so much amazing activity going on there. I would like to fund it all.

In truth, I have not involved myself in the recommendations that come to me as a Minister in choosing organisations or festivals in the way that the member is suggesting. I have a range of strong opinions, but I think art is best left to the professionals. We have expert panels set up to guide those decisions, and I have relied exclusively on those recommendations to date. I do not rule out forming a view down the track, and I will be up-front about that if I do. Ministers have a right to do that, but I have not sought to do that in the programs in the arts space to date. I thank the member for his interest in that particular organisation and festival. I will take some more notice of it, and I will be keen to learn more about it.

#### **WESTERN SYDNEY INTERNATIONAL AIRPORT**

**The Hon. BOB NANVA (13:52):** My question without notice is directed to the Treasurer. Will the Treasurer update the House on his recent visit to Nancy-Bird Walton airport?

**The Hon. DANIEL MOOKHEY (Treasurer) (13:53):** I thank the Hon. Bob Nanva for his question. He is quite right to mention the fact that I recently had the opportunity to visit Nancy-Bird Walton airport with the Premier and our good friend the Hon. Robert Borsak. We took a tour of the new Western Sydney airport and were advised that it is on track to open in 2026. I make special mention of that airport today because the commencement of 24-hour flight operations in Western Sydney will be of immense economic value to the State. The new cargo hub will have the ability to process at least 220,000 tonnes in the first year and will create thousands of jobs in Western Sydney.

Lots of people agree with that point, but the amazing level of investment that is going into that airport is catalysing additional investments in our other airports too. That is the way competition should work. The fact that we now have a competitive airport in Western Sydney has seen Sydney airport respond by making serious capital investments to upgrade its services. That is of great benefit to the State because every additional international service into Sydney is worth about \$130 million and creates 1,200 jobs per year. I am equally aware that, as a result of the emergence of some of those dynamics, Williamstown and Newcastle are also going down the pathway of operating international services. That is my way of saying that competition is good for the economy.

Those massive economic assets allow us to connect with many different parts of the world. The networks in our region create prosperity here in New South Wales. The House should not forget that we are seeing such investment by the Commonwealth Government in the Western Sydney airport and that this Government has ensured that Western Sydney gets its fair share of the enabling infrastructure that it needed last year. The roads are getting built in time for us to take advantage of the new airport, and that is a good news story for New South Wales. I look forward to seeing our airports continue to compete with each other and to ensuring that all of New South Wales benefits as a result.

#### **NURSES AND MIDWIVES INDUSTRIAL ACTION**

**Ms ABIGAIL BOYD (13:56):** My question without notice is directed to the Treasurer. On 1 October, Treasury's new mandatory Gender Impact Assessment Policy will come into effect. Given that the gender pay gap in the New South Wales public sector has deteriorated for at least three years in a row and given the Government's supposed focus on reducing the gender pay gap in the public sector, as detailed in the Gender Equality Budget Statement, how can the Treasurer justify the inadequate pay offer made to nurses and midwives, one of the most feminised industries in our State?

**The Hon. DANIEL MOOKHEY (Treasurer) (13:56):** I thank Ms Abigail Boyd for her excellent question, and I am really pleased that the gender impact assessment budgeting tool is due to commence on 1 October. So members know what we are talking about, the gender impact assessment tool is a way for Treasury to provide modelling about the impact of certain policy interventions and investments on gender equity in New South Wales. It is an excellent thing, and I give credit to the former Government, which commenced some of that work and formed that unit within Treasury.

I am pleased that this Government inherited such a position. In the course of last year and this year the Government has made sure that Treasury has the level of resources required to produce gender impact assessments. I am also really pleased that is happening alongside the new Indigenous budgeting tools. The work that I am doing with the Treasury on the forthcoming intergenerational report, which I look forward to speaking to the House about at some length next year, will take advantage of the additional tools the member makes reference to.

As for the specifics of her question about the fact that there has been a decline in the gender pay gap in the public service over the past three years, it is fair to say that that is something the Government inherited.

Government members are well and truly alive to those consequences and take very seriously our responsibility to do what we can to close the gender equity gap when it comes to pay. Firstly, the historic agreement we reached last year with the Teachers Federation has already seen more than 16,000 teachers convert from precarious casual employment to permanent employment. They are predominantly women. The fact that they bargained for, fought for, won and are now getting secure work reflects the Government's work to close that gap.

The second point I make in response to the question of what the Government is doing to close that gap is that it has empowered the Industrial Relations Commission to consider the claims that the Nurses and Midwives' Association is making, to adduce such evidence and to independently respond. That brings me to the third aspect of the question. I was asked how the Government can justify its current offer.

The offer would see nurses get 40 per cent more than the previous Government offered them, and it follows the largest pay increase for nurses in more than a decade. Of course, the nurses are entitled to argue for and bargain for more. The Government has built a system that allows them to bring claims on pay under a gender lens to an independent umpire. Federal nurses get that as a result of Federal Labor, and State nurses get that as a result of State Labor. [*Time expired.*]

**Ms ABIGAIL BOYD (13:59):** I ask a supplementary question. Will the Treasurer elucidate his answer by telling us whether he will commit to requiring that the bargaining parameters and pay offer provided to New South Wales nurses and midwives undergoes rigorous gender impact assessment scrutiny, as will be compulsory for all new policy proposals from 1 October 2024, and to making the findings of that analysis public?

**The Hon. DANIEL MOOKHEY (Treasurer) (14:00):** When it comes to using the gender impact assessment tools, I will allow Treasury and other experts to decide whether that methodology should be applied in the formal way that the member asks. The Government bargains under a different policy framework, which already includes the ability to reference those issues. From our perspective, we have well and truly constructed bargaining parameters that allow us to have these conversations. We have done more than that. In the event that we cannot reach agreement, we have brought back an independent umpire that has, as part of its responsibilities and its frameworks, the opportunity to examine claims that are made on gender equity grounds. We affirm and celebrate the right of any part of our public sector workforce to make use of those provisions if they so choose. We now have an independent industrial court that is capable of determining those claims. We will allow the Industrial Court to do its job.

**The Hon. DAMIEN TUDEHOPE (14:01):** I ask a second supplementary question. When the Treasurer set the 10.5 per cent figure in the most recent budget, did he use the gender assessment tool?

**The Hon. DANIEL MOOKHEY (Treasurer) (14:01):** Again, I am happy to see if I can find any further details about the application of that tool to these bargaining parameters. New South Wales now has a system where bargaining parameters matter. That is in contrast to the position of the shadow Treasurer. Earlier, I gave credit to the former Government for the gender impact assessment tool, but it never used that tool when it offered nurses 0 per cent. It reduced the pay claim to 0 per cent.

**The Hon. Damien Tudehope:** Point of order: The 0 per cent, of course, was during COVID and—

**The PRESIDENT:** I am sure the member's point of order will not consist of debating points.

**The Hon. Damien Tudehope:** The question was specifically directed to the manner in which the Treasurer set the 10.5 per cent in the budget he brought down earlier this year. Were the gender assessment parameters used for the setting of that figure?

**The PRESIDENT:** The Treasurer had strayed from the leave of the question. The Treasurer has the call.

**The Hon. DANIEL MOOKHEY:** What a stunning point! The shadow Treasurer has just said that during a global pandemic we do not need to worry about gender equity. When he justifies—

**The Hon. Damien Tudehope:** Point of order: The Treasurer wants to play the fool and flout your ruling. The question was specific in relation to the manner in which he came to the 10.5 per cent in his budget.

**The PRESIDENT:** The Treasurer was not flouting my ruling; he was trying to have a crack at the Leader of the Opposition. That was wrong, because all the Leader of the Opposition did was repeat the question. The Treasurer will now provide a response. The Treasurer has the call.

**The Hon. DANIEL MOOKHEY:** My response is that the gender impact assessment tool is available to be used in the construction of bargaining parameters. The shadow Treasurer, and former industrial relations Minister, may well know that the Industrial Relations Commission articulates wage fixation principles. Those principles include gender equity. When the Government is constructing its pay claims, it constructs its position in accordance with the wage fixing principles of the Industrial Court, which include gender equity. That is how the

Government has yielded an offer that is more than 0 per cent and that provides real growth over the three-year cycle as a base position. The Government brought back an industrial court so that the shadow Treasurer cannot just bring in a 0 per cent wage policy and use the blunt force of law to enforce it on the nurses at the expense of every other workforce.

### SYDNEY METRO DRIVERLESS TRAINS

**The Hon. RACHEL MERTON (14:04):** My question is directed to the Minister for Roads, representing the Minister for Transport. The Rail, Tram and Bus Union has advised its members that the Minister for Transport has agreed that an RTBU member who is qualified and competent to drive the train will be on every driverless train on the new Sydney Metro Southwest. Why has the Government agreed to put RTBU drivers on driverless trains? What will the driver do on the driverless train, and how much will that cost commuters?

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (14:05):** I thank the member for her question, which reflects the Opposition's ongoing interest in this matter. Last week Opposition members were hoping that the new rail system would fail as thousands of people went to the sport on a fantastic weekend of football. What a contrast! Think about Government members when we were in opposition. During COVID we hoped the State would go well, but last week Opposition members hoped that the train system would fail. It did not fail; it went smoothly thanks to the good work of the Minister for Transport and the Rail, Tram and Bus Union working together to settle the matter. Not only was there a lot of good football over the weekend, but there was also a lot of good transport on our public transport network. I thank all the members of the workforce and the transport officials involved in the discussions. These are serious issues, but they were sorted through in a way that is a credit to those involved. The member asked about—

**The Hon. Damien Tudehope:** We're now going to get to the answer.

**The Hon. JOHN GRAHAM:** The Leader of the Opposition is entirely correct: We are now going to get to the answer. The Minister has been clear in public that additional staffing resources have been agreed to, which is the same arrangement as for the Sydney Metro city line. Contrary to the assertion in the question, these are not people who drive the train. I am advised that these are staff members who can help people at stations and on trains. They are staff that can operate a train should there be an emergency. The same arrangements are in place for the Sydney Metro city line. Those arrangements have enabled a sensible discussion to take place on these bargaining matters. I congratulate those involved. At the heart of all such suggestions from the Opposition is a question about who is running the State. Is it the Government or the unions? I can assure Opposition members that the Government is running the State. If I were them, I would not be asking such questions given that their party is being run by the Victorians.

### DEMERIT POINTS

**The Hon. CAMERON MURPHY (14:08):** My question without notice is addressed to the Minister for Roads. What is the Government doing to crack down on demerit point exploitation?

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (14:08):** I thank the member for his interest in the crackdown on demerit point exploitation. When a French delivery driver hit the headlines in May for having more than 200 demerit points coming onto his licence, it was time for a closer look at how the demerit point system, which has been in place for a long time, is operating in 2024 and whether it is open to abuse.

That is why the Government established the Demerit Point Integrity Taskforce on 19 July. Its job was to identify fraudulent behaviour, drivers and riders racking up high numbers of demerits, or the selling and buying of points online. The taskforce investigations have revealed some disturbing behaviour and have led the Government to a three-bedroom house in Sydney's inner south listed as the home address for 30 licence holders—mainly French nationals—according to the DRIVES record system. From 1 January to 5 September this year, 974 penalty notices have been sent to the mailbox at that address, with a total of \$322,000 in accumulated fines and more than 2,102 associated demerit points. Of those 30 licence holders, 18 have a combined tally of 1,580 demerit points.

I understand that *The Daily Telegraph* visited that house yesterday and spoke to persons there, reporting that a man insisted that the deluge of fines sent to the home were for "someone who had never lived at the home" and that "the address had been used by temporary residents staying in hostels on paperwork to hire delivery scooters". That is a barely credible explanation for dangerous driving behaviour and for 30 drivers' licences being registered to that Rosebery address. This has lifted the lid on a suburban nest of our State's most reckless drivers, who are willing to endanger the safety of 6.9 million other licence holders on our roads.

I thank the public servants involved in the taskforce. It has been important work between Transport, Revenue and the Police Force. The taskforce is looking closely at this small but dangerous cohort on our roads and examining what legislation may be needed to tighten that loophole. It is looking at automatically removing driving privileges for overseas drivers who accumulate 13 or more demerit points, tightening the demerit nomination process, stricter criteria on election of good behaviour licences and further data on repeat offenders. The Government will have the report before the end of year and may need to change the law. I will be asking for help from members to do that. It is important that we do so to keep our roads safe.

### DRUG SUMMIT

**The Hon. JEREMY BUCKINGHAM (14:11):** My question is directed to the Leader of the Government, the Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage. Will the Minister provide an update on the planning and preparation for the 2024 Drug Summit, including the form it will take, the scope of key topics that will be addressed and the specific timelines for the release of the summit agenda?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (14:12):** I thank the member for his question and his ongoing interest in this matter. The NSW Drug Summit will be held in two tranches. There will be two days of regional summit forums to be held in Griffith on 1 November and Lismore on 4 November and two days in Sydney on 4 and 5 December this year. As the member knows, the Government made an election commitment to hold a drug summit in its first term to build consensus on the way New South Wales deals with alcohol and other related drug harms. The summit will bring together health experts, police, people with lived and living experiences, drug user organisations, families and other stakeholders to provide a range of perspectives on the way forward. It will build on the Government's commitment to better health outcomes for people impacted by drugs and alcohol.

The summit will include breakout sessions covering a range of focus areas, including health promotion and wellbeing; equity, respect and inclusion; safety and justice; keeping young people safe and supporting families; as well as the role of integrated support and social services. A website run by NSW Health is open now and will keep the community updated. In a couple of weeks, from 4 October, a Have Your Say survey will be open so people can have their say directly. That will allow members of the community to tell their stories and share their ideas about the way forward. From 4 October we want New South Wales community members to have input into the summit. We also want suggested solutions. Further details on speakers, schedules and how people can have their say will be available in coming weeks, and we encourage everyone who has an interest to get involved.

Those involved in the 1999 NSW Drug Summit—as junior adviser to the then Minister for Youth, Carmel Tebbutt, I was one—will know that it was an important gathering where we heard many powerful stories from those who are affected and where there was a genuine building of consensus on the way forward. We look forward to having that conversation again, as we must. Too many lives are lost, too many families are impacted, and we can do better.

### HUNTER WATER DEVELOPER CHARGES

**The Hon. SCOTT FARLOW (14:14):** My question is directed to the Minister for Water. Hunter Water states that "developer charges provide a price signal to the market to undertake the right amount of development in the right places at the right time". The Property Council recently reported that Hunter Water developer charges in the lower Hunter were a key factor in a likely shortfall of 12,000 homes from the Government's target of 30,400 new homes in the area by 2029. What is the Minister for Water doing to address the threat to the viability of new housing developments in the lower Hunter from Hunter Water development charges?

**The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (14:15):** I thank the member for his question. It is useful to talk about the real barriers to the delivery of housing in New South Wales. The reintroduction of developer charges by both Sydney Water and Hunter Water was an initiative of the former Government. That process was initiated some years ago because the Productivity Commission had done a clear analysis in which it asked the valid question, would the reintroduction of developer charges be a barrier to the delivery of new housing? The Productivity Commission produced a report in, I think, 2021 that clearly gave the answer no. That was why the previous Government initiated the process to reintroduce developer charges for both Hunter Water and Sydney Water, and that has now happened.

Recently this Government asked the Productivity and Equality Commissioner to again look into what the barriers are to the delivery of housing in New South Wales. The question about addressing barriers and making sure that I, as the Minister for Housing, am doing everything to remove them is a valid one. What is not valid—as confirmed again by the Productivity and Equality Commissioner in an excellent review commissioned by the

Treasurer, the planning Minister and the Premier—is that the answer is not developer charges. The proposition in this question is not supported by the evidence, as has been consistently laid out in review after review. I meet with the property sector regularly, and I am clear about the range of things they think the Government can and should be doing to increase the delivery of housing. I welcome that engagement. However, it is not fair to say that developer charges by water utilities, which are well known—the rules are clear from day dot in the delivery of any housing—are a barrier. They are not.

The planning system is a big barrier. The Government is doing a lot of work on that. The cost of land is another genuine, big barrier. What is the Government doing about that? There is a full land audit that is releasing another 10 sites today, one of which is in the Hunter. That is the Stockton Centre, which is Newcastle-based prime real estate that has been sitting vacant for years and years, now activated by this Government, using its land to deliver hundreds of homes in Newcastle. That is a major contribution to the delivery of housing. That is seriously addressing the challenge. That is what the Government is doing to ensure that all of the barriers are removed.

### CRITICAL MINERALS MINING

**The Hon. EMILY SUVAAL (14:18):** My question is addressed to the Minister for Natural Resources. Will the Minister update the House on the role that critical minerals mining plays in supporting jobs and regional development across New South Wales?

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (14:18):** Mr President—

**The PRESIDENT:** Order! The Minister will resume her seat while members come to order. The Minister has the call.

**The Hon. COURTNEY HOUSSOS:** I thank the honourable member for her important question about the future of the mining industry in New South Wales. While there has been a lot of talk about the critical minerals industry over recent weeks, there are some amazing and exciting opportunities because New South Wales is endowed with 21 of the 31 nationally identified critical minerals. Those critical minerals and high-tech metals are crucial for our clean energy future and the electrification of our economy. It will only be possible if we can unlock those opportunities. In Australia, and particularly in New South Wales, we have the unique opportunity of supplying our environmental, social and governance credentialled critical minerals and high-tech metals for use in batteries, electric vehicles and solar panels. If more of those critical minerals and high-tech metals are mined in this State in a safe and environmentally sustainable way, then that will be good for everyone.

I was delighted to travel to Cobar two weeks ago to open the new mine there, the Federation mine, which is somewhat unique in that it has five of those critical minerals and high-tech metals: gold, copper, silver, lead and zinc. The location of all five of those, and the diverse nature of what the mining operation will be doing, means that the 140 jobs and the \$143 million investment is much more stable. International prices and the like can influence the investment in the mines, but with such diversity across the ores, those jobs are more likely to be stable and ongoing in that local community.

While I was in Cobar I had the opportunity to visit the Cobar mining museum, and I thank the mayor, Jarrod Marsden, for showing me around. I also had the opportunity to visit the incredible Cobar Miners Memorial, a sobering and timely reminder of the important work that we all have in making sure that all miners return home safely to their families at the end of their shifts. I thank Brian Quinn, the CEO of Aurelia Metals, and executive chairman Peter Botten for the time that they took and the feedback that they gave to me. It was invaluable; they have got an amazing wealth of experience. There are some fantastic opportunities in the State's Far West.

### ABORTION SERVICES

**Dr AMANDA COHN (14:22):** My question is directed to the Minister representing the Minister for Health. Before last year's election, just two public hospital in New South Wales provided abortion services: John Hunter Hospital in Newcastle and Wagga Wagga Base Hospital. That is despite abortion being decriminalised five years ago and clear and repeated statements from the Royal Australian and New Zealand College of Obstetricians and Gynaecologists that abortion is essential health care. Which public hospitals in New South Wales currently provide abortion services? What has been done by the Minns Labor Government since its election to expand abortion access in public hospitals?

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (14:22):** I thank the member for her question asked of me in my capacity representing the Minister for Health. I acknowledge her long-term advocacy on the issue in this place but also before she became a member of Parliament. The Government is committed to improving safe and transparent pathways to abortion care. The New South Wales safe access to abortion care working group

is guiding the improvement and provided expert advice to the review of the operation of the Abortion Law Reform Act 2019.

I am advised that work is focusing on strengthening relationships between providers, mapping abortion access care statewide, ensuring clear and standardised pathways to access and developing the workforce and developing longer term options for the public system. Recently I am advised that the Minister proved a two-year extension of the SEARCH Project to improve access to affordable abortion care in rural and regional New South Wales and that that extended program includes a focus on partnerships with GPs.

**Dr AMANDA COHN (14:23):** I ask a supplementary question. In her answer the Minister referred to the two-year extension of the SEARCH Project. Will the Minister clarify what the budget allocation to that project is?

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (14:24):** I may have to come back to the member in relation to the specifics, but I am advised that the two-year extension will expand the model to add 20 new organisational partners and 40 individual GP partners in rural and regional New South Wales. It will focus on additional complex rural and remote case management support for women requiring travel to access care.

### TICKETLESS PARKING FINES

**The Hon. NATASHA MACLAREN-JONES (14:24):** My question is directed to the Minister for Finance. Before announcing the introduction of mandatory paper tickets for parking fines, what consultation did the Minister have with the United Services Union? How did the Minister respond to the union's concerns that the Government's new policy will increase the risk of both verbal and physical assaults on parking inspectors?

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (14:25):** I welcome a question from the Opposition on ticketless parking fines. It will be interesting, because the silence from members opposite has been deafening so far. The legislation is about to be introduced and I am looking forward to see whether those opposite will stand with the community and support the need for immediate notification of drivers who receive a parking fine. The Government is trying to fix the mess that it inherited. The ticketless system was designed by the previous Government and is now rolled out 50 councils across New South Wales. Drivers in those council areas do not receive an immediate notification when they receive a parking fine. Instead, they wait weeks to get something in the mail. This is a system—

**The Hon. Natasha Maclaren-Jones:** Point of order: The question was quite specifically about the consultation that the Minister had with United Services Union. It was about whether she met with the union and the nature of any conversations they had.

**The PRESIDENT:** The question was not whether the Minister met the union; it was about what consultation she had. Nonetheless, the member is quite right. Although the Minister has provided some relevant broad details, she should now come to the question at hand.

**The Hon. COURTNEY HOUSSOS:** In relation to the concerns that have been raised by the United Services Union, it is absolutely unacceptable for any worker to suffer violence or to be attacked while doing their work but I do not believe it is a zero-sum equation. I do not believe that a default requirement to provide immediate notification necessarily excludes worker safety. The Government will solve the problem by including in the bill a clear exemption from the default requirement of an immediate notification, such as a penalty notice or a some other form of notification that provides a description of the actual fine. I give a shout-out to the fantastic Labor councillors at Dubbo council, who have come up with a really practical solution: a business card with a QR code that links to a notification. The exemption will apply in cases when the ranger feels unsafe and unable to issue a fine.

The Government is simply requiring that the notification be documented. It is a practical and commonsense solution to giving motorists an immediate notification. It is a way to change behaviour and allow a person, if they think that there is something wrong with the fine, they can collate their own evidence. It also means that drivers do not get ticket after ticket in the mail for weeks on end without knowing they have done something wrong in the first place. Members opposite might want to defend secret parking fines in the same way that they defended secret speeding fines; it was only after the diligent work of the roads Minister that they finally relented and provided notification. [*Time expired.*]

**The Hon. NATASHA MACLAREN-JONES (14:28):** I ask a supplementary question. Will the Minister confirm that while considering increasing penalties for assaults on parking inspectors, she is prepared to make a policy change that could reasonably be expected to result in more assaults on those workers?

**The Hon. Penny Sharpe:** Point of order: That is a new question. It also makes the imputation that the Minister supports violence against workers, which is blatantly untrue. I do not believe that it is a supplementary question.

**The PRESIDENT:** May I see the question, please? There were two parts to the point of order. The first relates to the substance of the question. I extend wide latitude for supplementary questions. The supplementary question was linked to the original question, and I am happy to allow it. I have some sympathy for the second part. I instruct that the words "could reasonably be expected to" be deleted, and the word "may" be inserted in their place.

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (14:30):** To be clear, I have said on multiple occasions that violence against any worker when they are undertaking their work is completely unacceptable and against the law. Under the existing provisions, an aggravating factor taken into consideration in sentencing is if someone is a parking ranger. There is no doubt that there are existing provisions that explicitly go to this problem. This is not a mutually exclusive situation. I do not accept that every person who gets a parking fine will attack a parking ranger. That is why we have carved out an explicit requirement in the bill for a parking ranger to not issue the notification if they feel unsafe in any way. After they leave they collate the information and provide it to the head of the issuing agency. We can then collate that data.

These are the most comprehensive changes to the parking fine system in decades. It is important that we provide fairness and transparency to people who have received a parking fine. That is what this bill will do. It will increase the requirements around the information that has to be created and collated by the person issuing the fine. It carves out a specific exemption because we understand that people need to be safe at work. More than 50 councils operate ticketless parking schemes, and it is not unreasonable for us to put these provisions in place. They are practical and commonsense changes. Members opposite should support them when the bill comes before the House this month.

**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*

**NURSES AND MIDWIVES INDUSTRIAL ACTION**

**The Hon. DAMIEN TUDEHOPE (14:32):** My supplementary question for written answer is directed to the Leader of the Government. How many bargaining meetings on the new nurses and midwives award have been held, and how many of these have been attended by the Premier, the Minister for Health or the Minister for Industrial Relations?

*Questions Without Notice: Take Note*

**TAKE NOTE OF ANSWERS TO QUESTIONS**

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

That the House take note of answers to questions.

**NURSES AND MIDWIVES INDUSTRIAL ACTION**

**The Hon. DAMIEN TUDEHOPE (14:33):** I take note of answers given today by various Ministers about the negotiations relating to the nurses and midwives award. What is on display from this Government today is twofold. Firstly, it went to an election promising the people of New South Wales a new approach to industrial relations. Government members said they would be the great negotiators and deliverers of outcomes for the various public sector workers of this State. That assertion is in tatters today. The principal component of the new industrial relations negotiations scheme, so-called mutual gains bargaining, is nothing more than words. We have seen this in the process leading to various demonstrations, whether by the Nurses and Midwives' Association outside the Parliament today, or by the Fire Brigade Employees Union.

The only conclusion to draw is that no mutual gains bargaining has actually taken place in a meaningful way. The Government has led these unions along. It has led them to believe that this was a new approach to achieve outcomes in circumstances where it has no intention of delivering those outcomes. During a budget estimates hearing relating to negotiated pay increases, the Premier and the Treasurer were both forced to concede that nothing had been achieved for public sector workers above the 10.5 per cent pay increase. The so-called bargaining that they would be entering into is absolutely meaningless.

Today the Treasurer said, "We've made offers, and we're considering the Deloitte report. We're prepared to engage in conciliation." He said that when he has gone to the commission about the Fire Brigade Employees

Union and said, "Not only did we offer you 10.5 per cent before, but we'll now reduce it to 10 per cent." That is the new offer the Government has made to the union. It said, "Because you didn't like the offer that we made you, the offer we're going to go litigate in front of the Industrial Relations Commission is 10 per cent."

### DRUG SUMMIT

**The Hon. JEREMY BUCKINGHAM (14:36):** I take note of the answer given today by the Leader of the Government, the Hon. Penny Sharpe, on the upcoming NSW Drug Summit. There has been concern in the community that the Drug Summit is a box-ticking exercise in kicking the can down the road and soft-peddalling drug law reform to avoid actually enacting some of the reforms that are long overdue in this State. The concern in the wider community is born out of the frustration that this Government and previous governments have not acted on the recommendations of the ice inquiry. That inquiry was an enormously expensive and comprehensive look at drug law reform in this State. Its recommendations are mostly going mouldy in a bottom drawer somewhere.

I hope that the Drug Summit is an opportunity to revive some of those initiatives and to investigate more. In particular, I welcome that it is happening in regional New South Wales. The sessions in Griffith and Lismore, which I hope to attend, are a great way for us to see how the misuse of drugs and our broken laws particularly impact regional New South Wales. Small communities are disproportionately affected by poor drug policies and practices because they do not have most of the supports found in the big cities and regional centres. I welcome the fact that the Government has identified that and that we will hear from those communities. There is a lot to do.

The opioid epidemic is washing up on our shores. The emergence of new opioids, like nitazene, are renewing calls for drug checking and for the rollout of naloxone. Roadside drug testing, medicinal cannabis and opiates—which I know that you have raised, Mr Deputy President—will all be on the agenda. I also hope that we will finally roll out an expansion of medically supervised injecting rooms, which came out of the first drug summit in 1999. They have been incredibly successful and have saved thousands of lives. The program was a world first that is now adopted around the world. Courageous politicians, bureaucrats and the community came together to bring about reform, and I hope the next drug summit does exactly the same.

### NURSES AND MIDWIVES INDUSTRIAL ACTION

**The Hon. EMILY SUVAAL (14:39):** I take note of answers provided today by a number of my colleagues who were asked questions regarding the wage bargaining that is occurring with nurses and midwives. I remind members that it was this Labor Government that delivered safe staffing levels, the biggest reform to the public sector State award for nurses and midwives in over a decade. The Keneally Labor Government introduced the first reform, nursing hours per patient day, and the Minns Labor Government has introduced safe staffing levels. That was, overwhelmingly, the number one demand from nurses and midwives. We took that commitment to the last election, we delivered on it in government, and it continues to be rolled out across the State.

In stark contrast, the previous Coalition Government introduced a wage cap of 2½ per cent that saw wages go backwards. It doubled-down on a zero pay increase for our nurses and midwives and said it was a "very good decision". Not only that, the Coalition said it would do it all again and give a zero pay rise for nurses and midwives. We see the true colours of those opposite coming through, when they are asked questions like that.

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** Order!

**The Hon. EMILY SUVAAL:** Labor committed to getting rid of the wages cap and this Government has delivered on that. The Minns Labor Government has removed the cap that held back wages for our State's nurses, midwives and public sector workers for over a decade. Workers have a right to take industrial action. Under the previous Government, workers gave up altogether. There was no point. There was no negotiation. There was no bargaining in good faith. They gave up altogether because taking industrial action was pointless exercise. Whilst I welcome the change of heart from members opposite when it comes to unions—indeed, I think almost all of their questions today related to unions in some way, shape or form—it is a bit rich when those opposite are not members of a union and when they are being run by Victoria.

**The Hon. Courtney Houssos:** Point of order—

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** The Minister will resume her seat. The Hon. Damien Tudehope is testing my patience. I called for order, but he continued to interject. If he interjects one more time, I will call him to order. I assume that addresses the Minister's point of order. The Hon. Emily Suval handled the situation quite well and did not need any intervention from me. I was loath to call the Hon. Damien Tudehope to order as it would have cut into the member's speaking time. Nevertheless, I noticed and I will act.

### SYDNEY METRO DRIVERLESS TRAINS

**The Hon. RACHEL MERTON (14:43):** I take note of the answer given by the Hon. John Graham about drivers in driverless trains. I express my deep frustration and disbelief at the blatant blackmail tactics employed by the Rail, Train and Bus Union, and the Minns Labor Government's weak response. The union's demand that drivers be added to driverless metro trains defies common sense. It undermines the very innovation that the Liberal-Nationals Government proudly introduced with the Sydney Metro. I remind members of the claim that was agreed to. It was to have drivers who are "qualified and competent to drive" on the driverless trains.

We have a world-class driverless transport system designed to avoid the very disruptions the union now seeks to impose. The union's power over Labor is on full display, once again. It is unsurprising given the membership ties and connections between unions and Labor members. The unions have a stronghold on this Government. When I toured the new metro on its opening day, commuters were excited about this pioneer project and praised its reliability. Many commuters expressed to me their relief that driverless trains would not be burdened by staffing shortages, union demands, cancellations, and unpredictable and unknown services, such as we continue to see with bus services.

Instead of standing firm against union influence, the Labor Government has given in to these unreasonable demands, allowing industrial action to loom over essential public services while millions of taxpayers are left to pay the cost in an unacceptable failure of leadership. Who pays for this? What is the cost to the taxpayer? The stalemate was costing taxpayers \$3.6 million a day. Today I asked the responsible Minister about the cost of having drivers on driverless trains. There was silence. I remind the Government of the cost-of-living pressures on families. They are doing it tough. The cost of transport has to be affordable. We have no idea how much additional cost is involved in this latest union demand, and who is going to pay for it. Placing drivers on driverless trains is absurd. It is not a matter of efficiency, and it undermines the entire purpose of automation.

### NURSES AND MIDWIVES INDUSTRIAL ACTION

**Dr AMANDA COHN (14:46):** I take note of the answers given by the Treasurer and other Ministers relating to the Nurses' and Midwives' Association strike today. We have heard members of the Labor Government and members of the Liberal-Nationals Opposition blaming each other for this mess. Having stood outside on Macquarie Street today with 9,000 nurses and midwives, and having heard from nurses and midwives who are also on strike today in Albury and in Tweed, I feel that members of this place are not listening to them. A 15 per cent wage rise is the bare minimum that they need just to make up for 12 years of the public sector cap in this State. The previous Liberal-Nationals Government might have gotten us into this mess, but it was the Minns Labor Government who won the election on a promise to look after essential workers.

A wage rise of 15 per cent is the bare minimum that is needed to make up for the previous cap. It does not even get nurses and midwives to parity with other States. Nurses in Queensland earn, on average, about 18 per cent more than nurses in New South Wales. In Victoria, the nurses' union recently won a pay rise of 28.4 per cent over the next four years. It is no wonder that nurses and midwives in New South Wales are angry and that 9,000 of them were outside protesting today. Another member has already commented about safe staffing levels in New South Wales. That is a welcome step in the right direction. It is important. It has been rolled out in two hospitals and is planned for another 16. But with over 200 health services in New South Wales, the vast majority of our State's nurses and midwives have felt no tangible difference to their day-to-day lives from that change, nor is change coming anytime soon. That is a long project that is going to take years.

Our nurses and midwives are leaving the profession now. They are moving interstate. They are choosing to work in Wodonga, 10 minutes away from my town of Albury, because they can earn significantly more. An enrolled nurse can earn \$100 more per shift working in Wodonga Hospital than they can at an Albury hospital. It is very clear that the Government is not negotiating in good faith with the nurses union. During budget estimates, I asked the health Minister questions, which he expertly avoided, about the first 10 bargaining meetings that were held. It is very clear that the ministry was not empowered to negotiate on pay with the Nurses and Midwives' Association at those 10 meetings. That is the key demand of the nurses and midwives who were outside today.

I have worked with nurses and midwives on all of the hardest days I have ever worked. Every time I pulled a 16-hour shift as a junior doctor, there was a nurse double-checking that I meant to prescribe micrograms rather than milligrams. For every life I have ever saved, there was a nurse who triaged that patient or who first recognised the patient's deterioration. I know that nurses and midwives work a lot harder than most of the people in this place. They deserve a minimum wage rise of 15 per cent, and The Greens will continue to stand with them.

### NURSES AND MIDWIVES INDUSTRIAL ACTION

**The Hon. MARK BUTTIGIEG (14:49):** I canvass issues raised in the debate with regard to the nurses union and industrial action, and the useful contribution from Dr Amanda Cohn. We can see how much hatred

there is of working people on the opposite side of the House given that every week this House sits, they make unmitigated attacks on workers who are taking lawful industrial action to improve their pay and conditions. The Government lauds and accepts that action. Those opposite have a hide criticising us when, in budget estimates, the Leader of the Opposition thought that the 0 per cent wage cap during COVID was a good decision. The cat was belled by the Premier during budget estimates. He admitted that it was a good decision. Outside that, workers barely received 2½ per cent, which took them backwards under inflation.

Under this Government nurses got a 4½ per cent pay rise last year. If they were to accept the current offer at 10½ per cent, it would improve their situation by 40 per cent. It would be nice to do better. It would be nice to give them the 15 per cent, if we could. No-one begrudges nurses getting paid more and in proportion to the massive contribution they make to society. But we have to put it in context. The ratios were a huge issue for that union prior to the election. We have started to introduce the ratios the nurses asked for, at a cost of some \$1.5 billion to the budget. These are not small things. We have been in government for only 18 months. Those opposite were in power for 12 years. As Dr Amanda Cohn pointed out in her contribution to the take-note debate, they put us in this mess. We cannot change it overnight.

As the Treasurer noted in question time today, we now have a genuine Industrial Relations Commission system, which is serving as a clearing house for nurses and the Government to resolve the situation. It is meaningful because we do not have an artificial wage cap, causing unions to feel there is no point going because they are restricted to 0 per cent or 2½ per cent, which eventually became the case. They genuinely feel like they have an opportunity now to get progress, which is why we are seeing unions day in, day out at the front of Parliament House. They are getting results by going through the process we have set up. They know they will get the ear of this Government and get an outcome. It is probably not as good as they would always like for their members, but it is much better than when members opposite were in power. It is improving week after week and will continue to improve.

#### PETS AND RENTAL PROPERTIES

**The Hon. EMMA HURST (14:52):** I speak to the answer given by Minister Jackson in regard to animals in rentals. It will be no surprise to anyone that that is a very important bill to the Animal Justice Party. I speak specifically to the Minister's role and how the legislation will affect people experiencing houselessness. We know the link between houselessness and the rental crisis, particularly with rentals involving animals. People who will not part with their animals often experience houselessness because they cannot enter the rental market with those animals. The link is very clear, and the Minister mentioned that link in her answer today.

I was particularly concerned when I heard rumours of proposed last-minute changes to the bill and that the onus will be on tenants rather than landlords to go to the tribunal. I have spoken about that repeatedly in this House. It is important that the onus is on landlords rather than tenants. For example, somebody who is trying to leave violence but will not leave without making sure their animals are also safe cannot apply to the tribunal at the same time. They will not be able to get into the rental market. The same goes for somebody experiencing houselessness or living in a car with their animals.

The idea of the bill is to create a culture shift within renting that allows animals in the majority of rental properties. I understand that the Government needs to finesse the legislation to cover particular situations where it would be unsuitable to have an animal in a property. I was very supportive of that. But the most important part of the legislation to get right is who carries the onus to go to the tribunal. Vulnerable tenants—such as people trying to leave violence, experiencing houselessness, living on the streets or in friends' or families' houses, or sleeping on a couch—should not need to apply to the tribunal. Importantly, that is completely different to what was put forward by the brilliant work of the Rental Commissioner in this space. I encourage the Government to work with the Animal Justice Party to make sure that when the legislation comes to Parliament, it works to protect people who are trying to leave violence or experiencing houselessness and seeking to enter the rental market with their animals. It is important that we get this right.

#### NURSES AND MIDWIVES INDUSTRIAL ACTION

**The Hon. WES FANG (14:55):** I take note of contributions to this debate. In particular, the Hon. Emily Suvaal and the Hon. Mark Buttigieg are seeking to portray the Opposition as somehow irresponsible in relation to frontline workers and wages. Ultimately, the Government is irresponsible, which has led to protests the last two parliamentary sitting weeks. The Government's wages policy is creating the angst amongst frontline workers. The Labor Party went to the election making bold promises about how it would fund and pay for frontline workers. Firies, nurses and even the CFMEU and the Maritime Union of Australia are now disappointed in the Minns Labor Government because it has not lived up to its words prior to the election.

On this side of the House, we will seek to hold the Government to account for the things the Labor Party said it would do. The wage offer to nurses is well below what they would expect to be due, given some of the other increases paid to frontline workers. The Minns Labor Government has made a rod for its own back. It provided pay rises to teachers that well exceeded the current wage offer to nurses. It made wage offers to different sectors of frontline workers at varying levels. At least the Coalition had a uniform policy. We were able to budget and know what our expenditure would be moving forward. The Government has lost control of its budget and is trying to rein in spending on frontline workers. The actions it took upon coming into government mean that it has lost its way. This is on the Government.

### TICKETLESS PARKING FINES

**The Hon. STEPHEN LAWRENCE (14:58):** I take note of answers given by the Minister for Finance in relation to parking fines. The trial by the previous Government, which led to the current way that those fines are administered, has caused a lot of concern in the community. It is understandable that people are a bit shocked when they receive fines in the mail weeks later. I think people are entitled to be put on notice as soon as possible of that sort of behaviour alleged against them. Of course that is not the case in relation to lots of types of criminal offending.

Of course it is not normal to get a notice in the mail that a person has committed an assault or anything like that, but the thing about this sort of conduct is that it is innocuous daily conduct. Parking is an activity of daily life whereby a person is not doing anything "wrong" and they therefore have no memory of the fact that they have done it. As someone who has had both the pleasure and the pain in a previous life of both prosecuting and defending people with parking tickets, I can inform the House that there are defences to those criminal offences. Even though they are not always conceived of as such, they are criminal offences.

People turn up in our courts on a fairly regular basis and run defences to parking tickets that include, for example, that the police cannot prove a sign was in place, or the person might have moved the car and there is an issue about how far they moved the car. Those types of defences simply cannot be run if the person has no memory whatsoever of the circumstances and has not had the opportunity, upon return to their car, to take a photograph, for example, of what is going on in the area and the relevant circumstances that might exculpate them from the allegation of a parking ticket offence.

I think the reform is a really good thing. I pay tribute to our good parking officers, including those I know in Dubbo, who do a really good job. I talk to them all the time in the streets of Dubbo. They are always very happy and healthy people, because they walk around the beautiful streets of Dubbo and do their important work. I commend them. Obviously it is good that there will be sensible exemptions to this, because our parking officers should not have to foist parking tickets onto cars when an irate customer might be a threat to them. It is a sensible reform. It is certainly consistent with community standards and will do away with this quite offensive situation whereby people open up the mail and receive a parking ticket but they have no memory of what it is they are alleged to have done. In those circumstances, they cannot make a defence. Everyone has the right to make a defence, including to a parking ticket.

### TAKE NOTE OF ANSWERS TO QUESTIONS

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (15:01):** I rise to close the take-note debate. On reflection, it was a pretty remarkable display from the Opposition today.

**The Hon. Stephen Lawrence:** Not good remarkable.

**The Hon. COURTNEY HOUSSOS:** I acknowledge that interjection. There is an old saying that words are cheap, but actions matter. I say that because the questions that were asked today of Ministers, who are firmly committed to improving the lives of working people, came from those who, when they had the opportunity to do something—not just say something, but actually do something—legislated to cap workers' wages; not to negotiate, not to have a conversation, not to improve lives, but to reduce and suppress wages to the point at which it became an issue for the broader economy. At a time when workers were facing incredible uncertainty, those opposite legislated to keep wage increases at 0 per cent. Those were the actions of those opposite, who asked those questions today.

Let me say this: This Government is consistent. What Government members said from the other side of the Chamber, we are now doing on this side. I commend the Minister for Health and the Treasurer for their negotiations. I refute an assertion made in the take-note debate that the negotiations with the Nurses and Midwives' Association have not been in good faith, because it is just not the case. Those negotiations are important. They are being undertaken with respect and in good faith. Before the election, we said we would get rid of the wages cap—tick. We said that we would implement safe staffing levels—that is underway. We said that we would reform

the industrial relations system and establish a mutual gains bargaining system, and that is what we have done. In addition to that, we gave all public sector workers their first real wage increase in more than a decade. We funded 1,112 nurses that those opposite secretly did not fund, despite employing them during a once-in-a-generation pandemic.

This morning the Premier was really clear: We understand that nurses are under pressure and they do really important work, but we cannot provide them with a 15 per cent increase in one year. We cannot fix 12 years of wage suppression in a single year. The Industrial Relations Commission has made some important recommendations that would give nurses and midwives a 3 per cent pay increase this year and allow the negotiations to continue with industrial action. The Government is ready and willing to do that. We on this side will respectfully engage with our workforce. We understand the important work that all our public servants do. We look forward to continuing those conversations in good faith.

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

**Motion agreed to.**

*Written Answers to Supplementary Questions*

**MCPHILLAMYS GOLD PROJECT**

In reply to **the Hon. TANIA MIHAILUK** (19 September 2024).

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

Please refer to my answer in budget estimates hearing 2024-2025 on 29 August 2024.

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

In reply to **the Hon. NATALIE WARD** (19 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 refer you to the press statement from the Minister for Transport on 19 September 2024.

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

*Bills*

**WATER LEGISLATION AMENDMENT BILL 2024**

**Second Reading Speech**

**Debate resumed from an earlier hour.**

**The PRESIDENT:** I am loath to chastise members who are actually in the Chamber because I appreciate them being here. I remind all members that the House resumes at a particular time. I also remind the Government that it has responsibility to provide a quorum in the Chamber.

**The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (16:04):** I am actually quite surprised that members were not rushing down.

**The Hon. Sarah Mitchell:** They must have been glued to their screens!

**The Hon. ROSE JACKSON:** I acknowledge the interjection. I am assuming members were glued to their screens to hear the end of my second reading speech. As I was saying, it is important that the water management regulation allows conditions to be placed on such exemptions as I was describing to help alleviate residual risks associated with exempting certain water take and use from licensing and approval requirements. We want to reduce unnecessary red tape for water users, but we need to ensure that we are minimising and removing any residual risks to water sources.

The bill also ensures that supplementary Lowbidgee water access licences cannot be cancelled like other specific-purpose access licences can. That subcategory of supplementary water access licence was created so that specific rules could be imposed in relation to flood irrigation on the Lowbidgee flood plains during announced high-flow events in the Murrumbidgee Regulated River Water Source. The bill confirms the ongoing tenure of

those licences: the same as it is for other regulated river supplementary water access licences. We would not want the Lowbidgee supplementary water to have a different scheme.

Importantly, the bill supports regulations that allow water supply authorities to operate effectively to deliver water supply and sewerage services to communities, businesses and industry within their area of operations. That includes regulations in relation to minimising water waste and misuse, regulating plumbing works and drainage works, optimising cost recovery, ensuring proper measurement of water taken, providing access to fire hydrants, and constructing works and infrastructure.

The bill ensures that Essential Water, which is the operating division of Essential Energy that supplies water and sewerage services to Broken Hill, can also regulate the discharge of liquid trade waste into sewerage systems, undertake emergency plumbing works and repairs, and deal with land that drains into its two drinking water reservoirs. All of these changes maintain the status quo while providing legal certainty and allowing key existing provisions to remain in the regulations when they are remade next year.

The bill does not change current Government policy or practice. We are simply shoring up what has already been in place and providing room for improvements to be made in the future. Without the amendments proposed in the bill, there would be impacts on water supply and sewerage services to the people of New South Wales by WaterNSW, the Sydney Water Corporation and water supply authorities. A failure to pass the bill would mean additional risks to the quality of drinking water in Sydney's key water supply catchment areas, if activity within those areas cannot be adequately regulated or prohibited. It would negatively impact communities and water users across the State. The bill removes legal uncertainty and prevents all of these negative impacts. It is a great piece of legislation.

The bill also validates licences and approvals affected by conversion errors, which sometimes happen. The second thing the bill does is amend the Water Management Act to validate approximately 169 licences and 32 works approvals across New South Wales. Bulk conversions of entitlements occurred as the Water Management Act was being implemented across the State through water sharing plans. Historical systems were not always up to scratch. An administrative system error did not recognise that some licences were expired when the water sharing plans commenced and those entitlements were converted from the Water Act 1912 to the Water Management Act 2000.

Historical records do not tell us whether the Government at the time communicated with those licence holders about their licences needing to be renewed. Clearly, some of government record keeping was lax in the past. The issue was identified years after conversion. Those licences and approvals appear valid in the water licensing system, have always been accounted for in relevant water sharing plans and Murray-Darling Basin Sustainable Diversion Limits, and have always been treated by government, WaterNSW and the licence holders as valid. The Water Legislation Amendment Bill removes any doubt about their validity. I am sure that is providing a lot of reassurance to those licence holders.

Validating these entitlements will give legal certainty to licence holders and to past trading in water rights and allocations. It allows those affected licences to be part of the water market and maintains current water sharing across the State. There are no identifiable risks to water sources, dependent ecosystems, water resource sharing, other licence holders or third parties from validating these licences and approvals. Finally, the bill transfers uncommenced provisions from the Water Management Amendment Act 2010 and the Water Management Amendment Act 2014 into the Water Management Act 2000, which allows for those amending Acts to be repealed. That is a simple housekeeping exercise.

The bill is important to give effect to minor changes to multiple Acts that do not warrant bringing separate individual bills to the House. The bill provides amendments for legal certainty. The amendments support the continuation of current operations to protect water quality, deliver services efficiently and effectively, and allow licence holders to continue to access water. These are the first amendments in an organised and prioritised legislative program being pursued by the Government—the water group leading as always. The program balances enabling time-critical amendments with the need for strategic reform in enforcement, planning, licensing and approvals. Work is underway to bring proposals to Parliament over the next 18 months for significant improvements to water enforcement, planning, licensing and approvals for the benefit of the people, culture and environment of New South Wales. I commend this incredibly interesting bill to the House.

**Debate adjourned.**

## **AGRICULTURE COMMISSIONER BILL 2024**

### **Second Reading Debate**

**Debate resumed from 17 September 2024.**

**The Hon. SARAH MITCHELL (16:11):** I lead for the Opposition in debate on the Agriculture Commissioner Bill 2024, and I indicate that we will support the bill. I put on record my thanks to our shadow Minister, Dugald Saunders. He is also the Leader of The Nationals and a former Minister for Agriculture. All of us on this side of the House, but the Nats in particular, know just how important it is to make sure that farmers across regional New South Wales are given a voice. It is important that they have an avenue to raise their concerns and that there is somebody in place to give advice on how to best manage the issues facing the agriculture sector. In the Minister's second reading speech, she talked about farmers being our lifeblood, and Opposition members wholeheartedly agree with that. We know how important it is to have a strong and vibrant agricultural sector in New South Wales. The Nationals and I have been on record about that for many years, making sure that this Parliament and governments of either persuasion are doing everything that they can to support that critical industry.

New South Wales is home to more than 39,000 agricultural businesses and 42,000 farms. They are an important part of our nation's economy, particularly here in New South Wales. Between them they employ more than 66,000 people and contribute a massive \$15 billion to our economy, so there is no doubt that primary producers are the backbone of our State. When Dugald Saunders was the Minister for Agriculture, the gross value of production of agriculture in New South Wales reached a record \$23.1 billion in 2021-22. There are obviously opportunities for agriculture to continue to grow. Last year that figure declined slightly to \$21.2 billion, but there would be agreement on both sides of the House that we need to do everything we can to make sure that New South Wales has a very strong and viable agricultural sector. The bill is about putting in place a commissioner who can make sure that their voice is being heard by government.

Opposition members have always said that farmers are the best custodians of their land. They produce our world-class food and fibre every day and are exceptionally resilient, as we have seen in the many challenges that they have faced over the past decade. It seems a little unfair that they only just get through a really bad drought season when the flood comes, and then they go back to a dry spell. Rainfall does not seem to discriminate in determining who might be lucky or unlucky, not to mention the prices of cattle or crops. It feels like our farmers are always facing another obstacle or another issue, and that is why it is important that the Parliament strongly advocate for the sector. That is also why the Opposition supports the creation of an Agriculture Commissioner.

I put on record that Opposition members believe it is important that the role is an independent position so that the interests of the agriculture community can be represented in a genuine way. I note that some amendments have been foreshadowed by the Shooters, Fishers and Farmers Party and The Greens, and there have certainly been discussions amongst members in this place around what that independence will look like. Members will consider that in due course when we get to the Committee stage, but I put on record that the Opposition supports the independence of the role so that frank and fearless advice can be given to the Minister of the day.

In government, Coalition members were always proud to stand with our farmers as they faced the hard times, but we were also there to help them seize the opportunities of the future. I make a couple of comments about the differing ways Labor members have managed their relationship with the sector. We think there has been a shift in approach from partnering and doing things with farmers, which was the way that we approached the portfolio, to imposing things on them.

One of our key concerns is the Biodiversity Conservation Act 2016, which we hope the eventual appointee to the Agriculture Commissioner role will keep a close eye on. It was recently amended on the back of a cherry-picked set of data suggesting that New South Wales has extensive land clearing, and I asked questions about that last week. To be clear, nobody wants to see the environment destroyed. That is why there are already restrictions in place for landowners to consult properly with Local Land Services before they make any large-scale changes to their properties. It concerns us that the Government offers little more than a shopping list of new reviews, reducing the ability of landowners to manage their own land in the best possible way. The proposal is concerning, and the Opposition is worried it will have real consequences for farmers based on a false premise. That is why it is crucial to have an Agriculture Commissioner who is independent and who can provide honest, frank and uninfluenced advice to the Government, the Parliament and the public.

Opposition members also have concerns with the way renewables projects are being rolled out in our country communities. The Government is set on building thousands of kilometres of transmission lines for wind and solar infrastructure, but we are hearing from our farming communities that there has not been proper consultation about what the impact will be. Some of the projects are being forced onto communities, and there is concern about the impact on prime agricultural land. There is also increasing concern about not having adequate compensation for the farmers who either volunteer or are involuntarily required to host the projects. An upper House inquiry is looking into renewable energy zones, and that is part of the reason that our rural communities want someone who can provide independent advice to government about those issues. We hope that whoever is

eventually appointed to the role can stand up to the Government when the farming community does not feel that Government decisions are supporting them. That is why we would like to see that level of independence.

Opposition members are also concerned about the time frame and the delay in getting here. The establishment of a statutory Agriculture Commissioner was a Labor election commitment, but it has now been 18 months and we are still waiting for that person to be appointed. That lack of urgency shows disregard for farmers and for regional New South Wales. Applications opened last year and closed in January this year, but then there was a change to the structure. My understanding is that people who applied for the role initially were told that it would not proceed. The Government then put out a media release saying that it would establish the role, but it is now September. There was supposed to be a process, and I hope the Minister's speech in reply will talk about what the hold-up is and why the process has been bungled along the way, because it is concerning. The Opposition would like clarity on why it has taken the Government so long to do something it committed to do.

The Opposition would also like clarity from the Government on whether the position will be created as a full-time role. Evidence in budget estimates indicated that the Independent Biosecurity Commissioner is a part-time role—I believe it is three days a week. With no discredit to the person in that role, the Agriculture Commissioner role must be designed to serve the needs of the agricultural sector. The Opposition thinks it is important that the Government budgets for a full-time commissioner, and I hope the Minister can clarify that in her response. It is important that the person appointed to the role has the backs of farmers in this State. The commissioner should be independent and able to work full time, which is what farmers have been calling for and what the Opposition supports. It is what farmers and the agricultural community deserve. The Opposition will support the bill and will consider any amendments debated in the Committee stage. We will go on record with our views on those amendments at that time. I commend the bill to the House.

**The Hon. JEREMY BUCKINGHAM (16:20):** I speak in support of the Agriculture Commissioner Bill 2024. The statutory position of Agriculture Commissioner is long overdue to ensure that the important agricultural sector and our incredibly precious soils are protected for future generations. As the eco-philosopher Wendell Berry said, "A nation that destroys its soil destroys itself." To finally have an Agriculture Commissioner in place is very welcome indeed. I was aghast to hear the Deputy Leader of the Opposition—

**The Hon. Sarah Mitchell:** Aghast?

**The Hon. JEREMY BUCKINGHAM:** Aghast! It is hypocritical of the National Party to say that the statutory role of an Agriculture Commissioner is late. The member is worried it has taken 18 months, but that is after 20 years of conflagration, fighting and communities across New South Wales beating down the door of the National Party begging to be heard. For 10 years those communities faced—and continue to face—an onslaught of coal seam gas and coalmining. I remind the honourable member that we have been here before. The former Government went through the farce of mapping biophysical strategic agricultural land. Members will recall that 2.8 million hectares of fundamentally important biophysical strategic agricultural land was going to be mapped and protected through the gateway process and the Aquifer Interference Policy, but that was all a pea and shell trick from The Nationals as they continued on their long march to coal seam gas, fossil fuels and extraction over the—

**The Hon. Wes Fang:** You're lucky you get wide latitude in a second reading debate, Jez.

**The Hon. JEREMY BUCKINGHAM:** Members do get wide latitude in a second reading debate contribution. Maybe the Hon. Wes Fang should give one, because the bill has to do with agriculture, the regions, the bush and farmers. Does the Hon. Wes Fang remember farmers? They remember him. They remember the former Government. I have spoken with the NSW Farmers Association and farming groups across the State, who welcome this bill as a fundamental reform. It is a clear sign that the Government is taking agriculture seriously and will give it a voice through this independent statutory role.

Members need only look to the fact that we have failed to protect the Liverpool Plains—our food bowl—from the ravages of the coal seam gas industry for a demonstration of the necessity of this bill. Organisations such as the NSW Farmers Association, the Australian Chicken Meat Federation, the Australian Lot Feeders' Association, Berries Australia, Cotton Australia, the Planning Institute of Australia and the Ricegrowers' Association of Australia assisted in the compilation of the report by Mr Quinlivan, and it is great to see the bill before the House.

The bill establishes a statutory Agriculture Commissioner to be appointed by the Governor on the recommendation of the Minister for Agriculture. The Minister for Agriculture will direct the work plan of the commissioner. The commissioner's functions are to provide advice, undertake reviews and make recommendations to the Minister for Agriculture and other relevant Ministers about matters relating to agriculture, agriculture productivity, land use conflicts—are there any of those? I think there are—and food security.

I understand amendments have been foreshadowed by the Shooters, Fishers and Farmers Party, which is in negotiation with the Government. I thank the Shooters, Fishers and Farmers Party for those foreshadowed amendments, which I will probably support at the Committee stage.

I hope the Agriculture Commissioner looks at opportunities in agriculture. I have a couple of opportunities to suggest, including the industrial hemp industry. I know the Minister for Agriculture is a massive fan of cannabis and the industrial hemp industry. She cannot get enough of the Hemp Industry Taskforce and the good work it is doing to create a carbon-positive, productive, innovative and vertically integrated agriculture sector. It is converting the incredible providence of our soil, water, climate and great farmers into a diverse range of new industries, including building products, textiles, food and veterinary products. That is a great opportunity that the Agriculture Commissioner cannot ignore once they are in place.

I have also spoken ad nauseam in this place about the opportunities for medicinal cannabis and an adult-use recreational cannabis industry. Honourable members will note the cannabis industry in the United States is now bigger than the entire Australian meat and livestock industry, which is worth \$35 billion to \$40 billion depending on the season and where we are exporting to. The American cannabis industry is already on par with that and is growing at a double-digit rate. If the Government and the commissioner are looking for industries to transition out of coal and native forest logging—which they should be—there is no better industry than the completely legal medicinal cannabis industry. That is a great opportunity to reinvigorate some regions and find alternative employment as we make a transition. I am sure that the commissioner will do that work.

One of the key functions of the commissioner is to promote a coordinated and collaborative approach across all levels of government in relation to agricultural matters. The bill requires that the commissioner must take an independent and impartial approach in relation to the content of their advice, reviews, reports and recommendations. The Agriculture Commissioner must publish their reports, and the Minister must publish their responses to any recommendations within six months. The commissioner will be able to engage subject matter expertise and require relevant information from government agencies and State owned corporations. Those are all good proposals.

The bill makes consequential amendments to the Climate Change (Net Zero Future) Act 2023 to provide that the commissioner is a statutory provision. The bill amends that Act to require the Net Zero Commission to consult with the Agriculture Commissioner in preparing annual reports. As chair of the Joint Standing Committee on Net Zero Future, I welcome that great initiative. Apart from the coal industry, no other sector has as much at risk as agriculture does in the transition to net zero. In no other sector are there more opportunities than for our farmers to move to being carbon positive.

As part of my work on hemp with Cotton Australia, I have been in discussions with some of the best farmers in this State, and I mention David Statham. Anyone who knows anything about farming in the North West would know about the Stathams' huge enterprise. They are growing vast amounts of cotton, grains, food and fibre and are transitioning their entire enterprise to a carbon-positive footprint where they are dependent on renewable energy. They are creating their own hydrogen and moving to rotating crops of hemp, bamboo and other emerging crops, which create the opportunity to become carbon positive. That is how we should approach the issue of agriculture and decarbonising the economy. All of the great challenges we face as policymakers and as a community can be overcome if we are positive about it, work collaboratively and acknowledge it needs effort and good people in those roles.

I agree with the National Party on one thing, and that is that this should be a full-time position. This will be an important position that deals with all of the coming issues, like land use conflicts, and issues that already beset the people of New South Wales, like the transition to a net zero future with the rollout of renewable energy zones and transmission lines. It probably would have been good for the National Party to do this before it rolled out the renewable energy zones. Maybe that could have helped. The Nationals did not mention that. It could have been a good idea for The National Party to do before it tried to cover 70 per cent of New South Wales with coal seam gas wells and before it unleashed the Maules Creek coalmine on the people of Maules Creek and Boggabri. But The Nationals did not act and were thrown out. We have a Minister acting and implementing the new role.

**The Hon. Wes Fang:** Oh, she acts!

**The Hon. JEREMY BUCKINGHAM:** That is exactly right. She acts. Action is good to see. There are some issues around State significant infrastructure and State significant development and making sure the commissioner has a role in reviewing and potentially providing advice on those matters. I understand the Shooters, Fishers and Farmers Party will deal with those via amendment and they are negotiating with the Government. I am broadly supportive of those amendments, and I wait to see how they finally appear. I thank the Minister for her interest and action in this area. The bill is overdue, but it is welcomed by local government. It is clearly going to be welcomed by agriculture and anyone who wants to see a sustainable future for a New South Wales agriculture

sector that grasps the nettle of the opportunities that come from renewable energy and the transition to a carbon-positive future. I commend the bill to the House.

**The Hon. EMMA HURST (16:32):** I will speak briefly on the Agriculture Commissioner Bill 2024. In the crossbench briefing on the bill, I asked two questions. The first was whether the commissioner would have the ability to look into animal welfare issues, and I was told the answer was yes. The second question was if any animal welfare groups were consulted on that aspect, and I was told no. I was then told there might be the possibility of some last-minute consultation but, of course, that is not proper consultation. The bill's second reading speech was given that day. I want to be fair to the current agriculture Minister; this is not a specific criticism of her. The exclusion of animal welfare has become the norm with bills like this. They have the ability to affect animal welfare, yet animal welfare organisations are not consulted. That is a historic issue that has continued in this House.

At a bare minimum, organisations like the Australian Alliance for Animals should be consulted on any Government bills that will affect animal welfare. I understand it is not the focus of the bill, but if the bill has the potential to impact animal welfare—and that has been confirmed with me—I do not see why we would leave it out. I implore the Minister for Agriculture to break this cycle and, while holding the animal welfare portfolio, recognise that it cannot continue to be ignored. The best way to stop me from continuing to mention this topic in the House is to do the work and make sure that animal welfare organisations are involved in the consultation of bills that will affect animal welfare.

**Ms SUE HIGGINSON (16:34):** On behalf of The Greens, I make a contribution to debate on the Agriculture Commissioner Bill 2024. The Greens support the intent of the bill and, as indicated by other members, will move amendments in the Committee stage to ensure that the commissioner is given a definition for "agricultural matters" that includes agroecology and a responsibility to work with government agencies in the preparation of maps. The creation of an Agriculture Commissioner in 2020 by the then Government was the fulfilment of an election commitment, but the scope of the work to be completed by the commissioner was highly constrained and limited by the ambition of the then Minister.

I note the comments of the previous speaker, the Hon. Jeremy Buckingham, and I too remember the role of the Agriculture Commissioner in a past iteration. I remember well the frustration of so many farmers across the landscape, particularly those facing massive coal and coal seam gas projects, particularly in the Gunnedah Basin. When they went looking for that independent voice that could support them and communicate to the Government, they were genuinely let down and failed, but not by the commissioner. I remember Jock Laurie made many efforts to do a good job as the Agriculture Commissioner, but the fact was he simply was not a commissioner in the way we would anticipate, with functions formed under statute.

Fast-forward to 2024 and this new and slightly more independent Agriculture Commissioner is also the fulfilment of an election commitment, but the commissioner will now have statutory responsibilities and be empowered to undertake the critical work of assessing and contributing to the future of agriculture. And let us remember, that means food security in New South Wales. The creation of the independent commissioner is the result of a discussion and options paper produced by the former commissioner, which the current Minister requested last year, and it identified options that should be pursued. The report made a clear finding that the effectiveness of any commissioner would depend on the Government providing clarity on the preferred approach to the competing priorities for access to agricultural land. It went on to say that a consistent land use policy must be consistently applied through planning and development decisions.

It is interesting that the planning system is really the place where land use conflict arises but also where it gets resolved. Some of the key options identified in the report related to the land use conflict's interaction with the planning system, the provision of advice, and the broader promotion of agriculture within government considerations. The bill goes a significant way to addressing the report and represents a positive step towards having agriculture, perhaps once and for all, depoliticised in New South Wales.

Turning to the details of the bill, the introduction and hopefully the passing of this bill into an Act that is dedicated to the Agricultural Commissioner is the second part of the two-step process recommended in the options paper. The new definition for "agricultural matters" in the bill is the subject of one of The Greens amendments and will recognise the importance of the interactions between farm systems, humans, plants, animals, and the environment. Fundamentally, we know that all functioning productive farm systems rely 100 per cent on healthy ecosystem functions. The better we understand that relationship and the more empowerment we give to it, the more successful our farming communities will be and the more secure our food systems will become.

The functions of the commissioner will allow the commissioner to assess all things pertaining to agricultural matters along with preparing reviews and providing advice and recommendations to the Government. Of particular interest is the function to monitor new developments and identify opportunities to improve systems

and practices. That forward-looking perspective on agricultural matters is a clean break from regressive agriculture settings that have been employed under previous governments. It is something that will be embraced by young and contemporary farmers who are interested in the most innovative ways to farm.

Something that has not been clearly carried from the options report through to the bill is recommendation 1 c., which specifically recommends that the commissioner have a function that would allow them to assist the Department of Primary Industries to develop mapping systems and processes. It cannot be overstated how important consistent maps are for land management and managing land use conflicts broadly. Ensuring that accurate mapping is a function for the commissioner will be something The Greens will seek to address in the Committee stage. It is interesting that it is at the point where maps are identified as a problem.

As a farmer, I know—and every farmer across the landscape knows—that we map our properties to the nth degree. Our GPS settings are so accurate that we literally know every square centimetre, inch and metre of our paddocks and our farming systems. The idea that the State would have any form of reluctance to mapping for the purpose of providing a common source of truth about our landscapes, their agricultural capacity, their health, their carbon levels, their vegetation and so on is unbelievable. It is absolutely time that we embrace the concept of mapping, and the agricultural commissioner is the perfect role in which to do that.

The commissioner will be subject to direction by the Minister in relation to their functions but will maintain their independence and impartiality as an explicit function in relation to advice, reviews, reports and recommendations. I understand that there will also be amendments that seek to expand the proactive work of the commissioner in relation to initiating reviews on any matter, subject to agreement with the Minister. The public reporting on any review that is undertaken by the commissioner is good and important, and public reporting on Government responses is also a basic but important mechanism for transparency. The more collaborative our approach is, the more we understand the shared public interest in agriculture and food security as we move into a changing climate where, as farmers and regional communities that rely on agriculture, we are facing some of the most significant challenges we have ever had. The more scope for transparency, the better. The reality is that the more we see what is happening and the more we share what is happening, the more we can improve our processes.

Finally, I have a comment about agroecology. The Greens will be seeking to add a reference to it in the bill but I will talk more about that in the Committee of the Whole. For now, it is important to understand what it is. Agroecology is sustainable farming that works with nature. Ecology is the study of relationships between plants, animals, people and their environment and the balance between those relationships. Agroecology is nothing new. It has been around for decades and decades, with continued iterations from the 1920s. It is the application of ecological concepts and principles in farming. The reality is that many of the State's family farms and farmers are already embracing and working around the concepts and with the principles and processes of agroecology. In the words of the CSIRO:

Ecological processes can be managed to improve productivity, sustainability and the quality of our farm environments. We just need to understand how ...

The Greens see the role of the statutory Agriculture Commissioner as one that could do good, proactive work supporting the agriculture sector and the communities that rely on it. But ultimately it is about the interests of all of us. It is about the food we eat. The Greens commend the Minister and her work in bringing forward the bill to the House. I understand that it has taken some time, but it is important to get it right. However, I echo the criticism of the timing of the bill; it is a bit hypocritical given that it is the first time a statutory Agriculture Commissioner is being introduced in New South Wales. It is a big and excellent step but it is a long-awaited step. The Greens look forward to it being established. We also look forward to the Committee of the Whole where we hope our amendments are supported.

**The Hon. MARK BANASIAK (16:44):** Mr President—

**The Hon. Mark Buttigieg:** Go, MB!

**The Hon. MARK BANASIAK:** I will take support wherever I can get it. I contribute to debate on the Agriculture Commissioner Bill 2024. I indicate that the Shooters, Fishers and Farmers Party supports the bill. I stand in solidarity with our farmers, who are the heart and soul of New South Wales. They feed us, they clothe us and they keep our economy ticking over, all the while dealing with pretty tough challenges, whether it is droughts, floods, bushfires, pests or the Animal Justice Party. Having someone in a dedicated role to represent their interests and give solid advice presents an opportunity to make positive changes—if it is implemented carefully.

Farming is not easy and in recent years it has only gotten tougher. From biosecurity scares to supply chain issues, it has been one thing after another. Despite that, farmers still contribute more than \$15 billion to the New South Wales economy every year. That is certainly something worth protecting and that is why the

appointment of a statutory Agriculture Commissioner is such an important step. But I stress that it must be done right. The role needs to give farmers an independent voice that will keep their interests front and centre as policies and decisions are made.

While the Shooters, Fishers and Farmers Party supports the concept, it is hard to overlook the fact that New South Wales has had an Agriculture Commissioner in some form for years now. While I respect the work done by Mr Quinlivan, it has not really resulted in the significant changes that farmers need. The non-statutory commissioner, from what I have seen, did not have the power to push for substantial improvements in land use, water management or biosecurity. Moving to a statutory role might give the commissioner more formal authority, but the question is whether it will change anything on the ground.

The bill gives the commissioner the ability to provide advice and recommendations but, at the end of the day, the Government is still the one making decisions, so there is no guarantee that that advice will be followed or even seriously considered. One of the main issues that our farmers are facing is around land use conflicts. It is something that I have been hearing about consistently, and I know that the Government has too. It is undeniably important, but the way it is framed in the bill is a little vague. There are competing demands for land use, whether it is urban development, renewable energy projects, agriculture or even forestry. There are land use conflicts everywhere, even involving the Hon. Jeremy Buckingham's blessed weed farms.

As the bill stands, there is no clear indication that the commissioner will have the power to influence those decisions in a way that brings farmers' views to the forefront. It is one thing to say that the commissioner will provide advice, but will they have the leverage to push back when agricultural land is being sacrificed for other purposes? At the moment I am not convinced that the bill does enough to protect higher quality farmland from being swallowed up by other industries. Farmers have been raising concerns about land fragmentation for years and yet it feels as if we are still talking about the problem rather than solving it.

The Shooters, Fishers and Farmers Party supports the transparency in the bill. It is great that the commissioner's advice and the Government's responses will be published for the public to see. But simply making reports to the public does not ensure action. We have seen a similar set-up before: Well-meaning advice is given and reports are published but then they just gather dust on the shelf. Farmers need more than just another report; they need tangible changes that will protect their livelihoods. Without a strong mechanism to hold the Government accountable to act on the commissioner's recommendations, it will just be another layer of bureaucracy that does not lead to real solutions.

Another area in which the bill might be a bit lacklustre is in the addressing of the broader systemic issues facing the agricultural sector. While the commissioner can provide advice on renewable energy infrastructure, land use policy and agricultural productivity, the bill seems to focus more on surface-level fixes rather than addressing the underlying causes of the challenges farmers face. Australia faces extreme weather events, yet there is very little in the bill that suggests the commissioner will have the ability to implement real, long-term strategies to help farmers build resilience. Something farmers have spoken a lot to me about is a structural response to drought and flood when it comes to State and Federal government interventions. Under previous State and Federal governments, it has been very sporadic and hit and miss, and they have not seemed to be in sync with each other.

The bill says the commissioner can provide advice to other Ministers, but there is no guarantee that the advice will be coordinated across departments in a way that leads to cohesive policy. Agriculture does not exist in a vacuum; it is connected to environmental policy, urban planning, transport and so on. In fact, there is not one piece of legislation pertaining to agriculture that does not require concurrence of the environment Minister. There is a risk that the advice will get lost in the twostep shuffle if the commissioner is just another voice among many, especially when other departments have competing priorities. We need a stronger commitment to cross-departmental and ministerial collaboration if we want to see meaningful change in the agricultural sector.

In a nutshell, this bill is not just about solving problems; it is also about seizing opportunities. There is huge potential for growth and innovation in the agricultural sector. With the right support, our farmers can lead the way. The Agriculture Commissioner will help identify these opportunities and ensure that our farmers are not left behind as the economy and technology evolve. The Shooters, Fishers and Farmers Party supports the bill, but we will be moving some amendments which we feel will help bolster the role, particularly around land-use conflicts and resolutions. I thank the Minister for her engagement in discussions over the past couple of days. There has been a lot of back and forth, but we will hopefully get to a point where we agree.

**The Hon. CAMERON MURPHY (16:50):** I support the Agriculture Commissioner Bill 2024, which is the result of thorough stakeholder consultation. In July last year, the Minister for Agriculture, the Hon. Tara Moriarty, requested that Mr Daryl Quinlivan, AO, prepare a report investigating options for implementing an independent agriculture commissioner for New South Wales. This report was to inform the delivery of the New South Wales Government's election commitment to create a strong and independent agriculture

commissioner to protect our farmland, ensure food security and support a more sustainable and productive agriculture sector. Mr Quinlivan was tasked with this request in his capacity as the former Agriculture Commissioner. Mr Quinlivan's work in the role was exemplary. However, it was clear that the status quo approach of engaging an agriculture commissioner on a temporary contract was not meeting stakeholder expectations, and that more certainty and influence for this very important position was needed.

In his time as commissioner, Mr Quinlivan undertook in-depth research and analysis, and developed reports on how agriculture is impacted by renewable energy policies and the planning system more generally. In developing his reports, Mr Quinlivan engaged extensively with a broad range of stakeholders, including landholders, community groups, a wide variety of industry organisations, businesses, councils and regulators. Through his work, Mr Quinlivan acquired not just a detailed understanding of the complexities and challenges facing the agriculture sector, but also a clear picture of what was needed to help drive improvements and deliver the solutions that stakeholders were calling for. This knowledge and understanding are apparent in his comprehensive report which was published on the New South Wales Department of Primary Industries and Regional Development website.

Mr Quinlivan developed recommendations to the Minister about the optimal role and functions for a future Agriculture Commissioner which were tested with various stakeholders. He broadly considered whether the commissioner role should be advisory, and what role, if any, it should play in dispute resolution. He also considered the existing roles and functions of established government agencies and Ministers. Consideration was given to embedding the commissioner role within the planning system as a way to address perceived deficiencies in the handling of agricultural lands. However, this model had little support from stakeholders and would come at the expense of ensuring a strong, independent voice with expertise in the agriculture sector. One of the most pressing issues facing the sector now is the increasing concern around land-use conflict between agricultural producers and their neighbours. This has been attributed to increasing competition for land for production, industrial and residential uses, coupled with a falling public understanding of what normal agricultural practices are and that they can involve noise, odour and dust.

Mr Quinlivan's report notes there is a need to support the coexistence of agriculture and other land uses in rural landscapes and at the margins of urban development. With that in mind, careful consideration was given to addressing the issue by giving the commissioner a dispute resolution function, but such a specialised and resource-intensive function would be, in practice, incompatible with the goal of establishing an independent strategic adviser. Mr Quinlivan instead recommended that this issue was best addressed by a new Farm Practices Panel. The panel would be comprised of technical experts tasked with assessing and endorsing industry codes of practice where satisfied. Codes would need to comply with current laws. They would need to adopt contemporary practices and address the operations and activities that are the subject of complaints. The codes would provide valuable reference and guidance material for producers, regulators and communities. This panel model has worked in other jurisdictions, including internationally.

The Minister noted in her second reading speech that this is something she will task the commissioner with driving forward as a priority. Ultimately, it was clear from Mr Quinlivan's advice, and from listening to stakeholder feedback, that the object of establishing a commissioner is to ensure our systems support agriculture, not to add another layer of bureaucracy. The bill before the House today delivers what was recommended to the Government as the best approach for establishing the Agriculture Commissioner. In his report, Mr Quinlivan noted that providing a commissioner with a focus on strategic advice is essential and has universal stakeholder support. The bill implements his recommended approach, and it establishes the commissioner's functions of providing advice, conducting reviews and making recommendations on issues relating to agriculture, agricultural productivity, land use and food security. The commissioner will monitor trends and issues relating to agriculture and promote a coordinated and collaborative approach across all tiers of government.

The commissioner must take an independent and impartial approach in relation to developing the content of advice, reviews or recommendations. As the Hon. Mark Banasiak said, the agricultural sector does not operate in a vacuum. Other ministerial portfolios, such as Transport, Planning and Water, are highly relevant to ensuring the success of the sector. They often cut across the important work of the Agriculture portfolio. That is why the commissioner will be able to make recommendations to other Ministers in addition to the Minister for Agriculture. Further to my earlier comments about ensuring the commissioner has appropriate authority, relevant Ministers will be required to publish their responses to the commissioner's recommendations. That is an important measure of how well the Agriculture Commissioner operates. It is about ensuring that the public can see progress. It is about providing transparency and accountability, and ensuring we are doing all that we can to advance our vital agriculture industries.

This Government has carefully considered the expert advice provided by Mr Quinlivan about what the role, functions and powers of an agriculture commissioner need to be. His recommendations to the Government

have been developed in consultation with key stakeholders. They have been designed to elevate the authority of the Agriculture Commissioner and to drive better outcomes for the New South Wales agricultural sector as a whole. I commend the bill to the House.

**The Hon. STEPHEN LAWRENCE (17:01):** I speak in support of the Agriculture Commissioner Bill 2024. The bill demonstrates how much the Government values the importance of the agricultural sector to the State of New South Wales. Today, as it has done many times since being elected, the Government is showing that it listens to stakeholders, including farmers. It has heard, loud and clear, that they want an agricultural commissioner enshrined in legislation to give the role greater influence and certainty about its longevity. Based directly on this feedback and the expert advice of the former commissioner, Mr Quinlivan, the bill creates, for the first time, a statutory agriculture commissioner with a strategic advisory role. In support of the bill, I highlight all of the work that the Government has done and is doing for our agriculture sector, since being elected in March last year.

The Government has implemented many significant initiatives that will enhance outcomes relating to biosecurity protections and support our agricultural industries. First and foremost, the Government has been delivering on its election commitments. Last year, it strengthened the resilience of our State's agriculture industry by legislating to establish an independent biosecurity commissioner, who will report to the New South Wales Parliament on an annual basis. The biosecurity commissioner role has been established to ensure that the pest and weed management framework in New South Wales is working as effectively as possible. It is doing so without duplicating existing responsibilities or functions. Much like the bill before the House today, the biosecurity commissioner legislation was based on extensive stakeholder engagement and the Government delivered a model that provided the community what they needed and asked for. In July this year, a permanent Independent Biosecurity Commissioner was appointed.

The Government delivered on its commitment to establish a biosecurity commissioner and today seeks to similarly establish an agriculture commissioner in legislation. Again, this is what stakeholders have asked for. It will provide more protection for our best farmland and ensure food security and a more sustainable and productive agriculture industry. The Government's commitment to biosecurity and primary industries goes much further than the delivery of commissioners. It is working hand in hand with industry to deal with the issues they face daily to put food on our tables.

The Government is rolling out \$946 million as part of a biosecurity package to further strengthen our State's resilience against pests, weeds and disease. It has invested almost \$1 billion to identify, control and destroy the pests, weeds, diseases and incursions that are threatening our economy and environment. This investment includes \$25 million to ensure that New South Wales has appropriate biosecurity capacity and capability to identify pests and diseases. The Government will also support work to advance laboratory defences by boosting the diagnostics, pathology, virology and entomology activities that are important in identifying issues, and in helping to manage and eradicate those issues.

The Government is providing further assistance to our agricultural communities by strengthening the front lines against threats and incursions, including funding our response obligations. It has also invested \$60 million over four years to deliver vital upgrades to seven research facilities and five emergency response sites across regional New South Wales. These upgrades will support the 1,600 staff undertaking research across the State in vital areas such as animal nutrition, climate change, aquaculture and breeding, as well as biosecurity surveillance and responses. In addition, the Government delivered on an election commitment to task the Natural Resources Commission with providing a comprehensive overview of the priority risks and impacts of invasive species in New South Wales, including the effectiveness of management strategies set up by the former Government. This preliminary view has been published, with a final report to be published before the end of the year, including a framework and recommendations to address the impacts of invasive species moving forward.

The Government is also progressing with work to target feral pig numbers, particularly after the recent wet season. It has allocated an additional \$13 million to continue baiting, trapping and shooting work. Over the past nine months, feral pig numbers have been reduced by 110,000—well above the original target of 87,000. These are just a few examples that show that this Government has been listening to regional communities and has acted on the issues that are of concern to our stakeholders. I will speak briefly about the merits of the specific policy that brings us here today in the context of all the work the Government is undertaking in this space. The Government recognises that there is a range of challenges in the agriculture space, and there is also a range of opportunities for industry. The Agriculture Commissioner that will be established by the bill will deliver independent expert advice, oversight and support to the Government and landholders about how to manage challenges and capitalise on opportunities. Our communities are calling for it and it is something that the State needs.

The Government is continuing to work hard for the people of New South Wales and for our State's primary industries. It heard from stakeholders about the value of the New South Wales Agriculture Commissioner and their wish to see the role continue. That is why Mr Quinlivan was engaged to deliver a report to the New South Wales Government on the ongoing role and functions of an agriculture commissioner for New South Wales. The report builds upon work Mr Quinlivan completed as New South Wales Agriculture Commissioner in delivering his reports on land use conflicts and interactions between the agricultural and renewable energy industries. The Government considered the report and supported the development of the bill before the House. The provision of expert strategic advice under the proposed model will be invaluable in helping government and industry tackle what is to come in the future.

It is clear that this Government is committed to agriculture. It has undertaken extensive consultation and listened to its stakeholders. The Government wants to continue to show stakeholders that it will not only listen but also take action. The passing of this bill will fulfil Labor's election commitment in full. It is just another example of the hard work the Minns Labor Government is doing for the people of regional New South Wales and for the agricultural sector. I commend the bill to the House.

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (17:09):** In reply: I thank all honourable members who made contributions to debate on the Agriculture Commissioner Bill 2024—the Hon. Sarah Mitchell, the Hon. Jeremy Buckingham, the Hon. Emma Hurst, Ms Sue Higginson, the Hon. Mark Banasiak, the Hon. Cameron Murphy and the Hon. Stephen Lawrence. The bill is about delivering on what farmers and those involved in the agriculture industry have asked for. That industry contributes billions of dollars a year to the New South Wales economy. Farmers are such an important part of our society and culture, and the Government must do—and is doing—what we can to support them. The bill delivers in full on our commitment to support the industry by establishing an Agriculture Commissioner in statute.

I now turn to some of the comments made by members during the debate. I start with questions raised by the Hon. Jeremy Buckingham and the Opposition about the full-time or otherwise status of the proposed commissioner's role. I am pleased to clarify that the budget for the commissioner will support a full-time role. The commissioner will also be supported by dedicated staff within the Department of Primary Industries and Regional Development. The commissioner will also be able to leverage the extensive expertise, networks and skills available across government, as their functions allow for. I assure the House that adequate resources are in place and ready to support this role.

In relation to questions about the timing, as I have said a number of times, once the bill hopefully passes with the support of the Parliament, we will fill the role of Agriculture Commissioner and get that person to work on delivering on what we want them to do. It is a bit rich for the Opposition to bang on about timelines and how long we have been in government. As pointed out by several members in the debate, the Coalition had plenty of time to do this and did not. We look forward to delivering this statutory role, and it will be filled as soon as possible, if the Parliament supports the bill.

In relation to the points raised by Ms Sue Higginson, I thank her for her interest and support of the bill. She has foreshadowed that she will move amendments in Committee, which have been discussed. As I have said, the intent of the bill is to establish a commissioner with a broad remit. The bill defines the scope of the commissioner as focused on issues that are fundamental to the current and future state of the industry. I note Ms Sue Higginson's reference to agroecology being within the definition of agricultural matters. Agroecology, which considers ecological processes in agricultural production systems, is directly relevant to the commissioner's work and closely aligns with other key concepts in the bill like productivity, land use and food security.

In relation to points raised about publishing maps, I understand that there is a lot of interest across multiple policy areas in mapping the landscape. I have heard from NSW Farmers that the mapping of State significant agricultural land is an area of particular interest. That is why the bill has been drafted to ensure that the commissioner can look into those issues. The scope and functions of the commissioner are intentionally broad. Ms Sue Higginson has foreshadowed that she will move amendments to reference mapping more specifically in the commissioner's role. I understand that intent. That is why, in my second reading speech, I indicated that mapping of agricultural land would be included in the commissioner's initial work plan.

In relation to the comments from the Hon. Mark Banasiak, I agree that it is important that the commissioner's advice can be used to drive meaningful change. It is important they monitor developments relating to competition for agricultural land. The key issues that farmers around the State and the NSW Farmers Association have called out to me are those highlighted in the former commissioner's report—land use conflict, food security and agricultural productivity. That is why the scope of the bill is specific to those issues and why, in my second reading speech, I articulated an initial work plan for the commissioner that would include looking into things like a rural land use policy, and defining, identifying and mapping agricultural lands.

In that context, the report from the former commissioner, Mr Quinlivan, considered the concept of independence and stated that independence is "a tool that can be used to improve governance and the quality of decision-making. It is not an objective or outcome in itself". In that sense, the Government focused on determining the aspects of an independent role that would have the most impact. That is why the content of advice, reviews and recommendations will be completely independent and not subject to the Minister's direction and control, but the work plan and remaining functions will be at that direction, and policymaking will remain a core function of Government.

In relation to the points raised by the Hon. Emma Hurst, I acknowledge the honourable member's almost singular passion and focus on raising animal welfare issues and making sure that animal welfare is at the centre of decision-making. That is what she is elected to do, and I respect her views on that. The purpose of the bill is not to address animal welfare policy; it is to deliver on the Government's commitment to appoint a new Agriculture Commissioner. Animal welfare is one of many important issues that relate to that industry. That is why the bill provides a very broad scope for the commissioner to look into matters relevant to agriculture, which could, of course, include animal welfare.

Further, in relation to consultation with animal welfare stakeholders, the commissioner would be able to consult with any stakeholder they deem relevant. I would welcome them working closely with the expert Animal Welfare Advisory Council, which is established to provide expert independent advice on animal welfare matters. The bill is yet another example of this Government delivering on its commitments and, in particular, delivering for our farmers and the people of regional New South Wales. I commend the bill to the House.

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

**Motion agreed to.**

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

That consideration of the bill in Committee of the Whole stand as an order of the day for a later hour of the sitting.

**Motion agreed to.**

## **UNIVERSITIES LEGISLATION AMENDMENT BILL 2024**

### **Second Reading Speech**

**The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (17:18):** I move:

That this bill be now read a second time.

I am pleased to bring the Universities Legislation Amendment Bill 2024 to the House, representing the Minister for Skills, TAFE and Tertiary Education. In many ways New South Wales public universities are at the centre of so many of our communities. Every year, they educate over 420,000 students, providing opportunity to people from all backgrounds. Universities create jobs. They carry out groundbreaking research and provide a highly skilled workforce to support our economy. They are a crucial part of our State, our civil society and our future. The Minister for Skills, TAFE and Tertiary Education, as a representative of the State, has responsibility for the Acts that establish the 10 public universities in New South Wales. These are the universities that have accountability requirements to the New South Wales Government.

The bill I am speaking to makes small but important amendments to these Acts: the Charles Sturt University Act, the Macquarie University Act, the Southern Cross University Act, the University of New England Act, the University of Newcastle Act, the University of Sydney Act, the University of Technology Act, the University of Wollongong Act, the Western Sydney University Act and the University of New South Wales Act. It is our role as a Government to ensure this legislation is up to date, and that it serves its purpose and is reflective of the needs of the communities it serves. That is why I bring to the House these amendments, which will update small components of each of the public university Acts.

The last time all New South Wales public university Acts were substantially amended was in 2014, when this place passed the Universities Governing Bodies Act 2014. That Act brought in uniform provisions to re-establish the governing bodies of the 10 public universities. University governance is something with which I have some familiarity from my time as the University of Sydney Student Representative Committee [SRC] women's officer and a member of the University of Sydney Senate for two terms as the undergraduate representative. I was elected to the senate by undergraduate representatives at the University of Sydney. Then there is my time as president of the University of Sydney SRC, when I sat on the academic board of the University of Sydney, and as president of the National Union of Students.

**The Hon. Wes Fang:** You were involved in university politics? It doesn't show at all!

**The Hon. ROSE JACKSON:** I will take that as a compliment. I do indeed have a lot of familiarity with the governance of our public universities. It is important we continue to update and improve the universities Acts when needed. I understand the bill is the result of long-running collaboration between government and the universities, which is as it should be. What are the changes? Firstly, the amendments will remove the need to gain approval for certain land transactions. As members may know, the 10 public universities require the approval of the Minister for Skills, TAFE and Tertiary Education if they want to sell or long-term lease land obtained from the State for nominal or less than market value.

It is an important protection for what is essentially public land, gifted to the universities for the provision of higher education. Of course, universities have evolving needs over time and those needs change, including their land use needs. It is therefore unsurprising that they may seek to sell or long-term lease land from time to time. The requirement to receive ministerial approval to sell or long-term lease land acquired from the State at nominal or less than market value extends to very routine land dealings by universities around utilities infrastructure.

Examples of these types of installations that are captured through associated land transactions are electricity transformers, overhead powerlines and substation kiosks. The requirement to obtain ministerial approval for such small land dealings is an unnecessary administrative burden for both universities and the Government. To be clear, the kind of thing we are talking about is a right of way allowing the utility company access to university property to maintain and service powerlines. Universities should be allowed to enter such minor arrangements for infrastructure without ministerial approval. The bill will allow universities to grant easements or enter into leases of up to 99 years for utilities infrastructure or utilities services without ministerial approval. Currently, approval is not required for leases of any kind of up to 21 years. Importantly, the requirement for universities to gain ministerial approval for the sale or long-term lease of land for other purposes remains unchanged.

These amendments maintain an appropriate level of oversight for the land and infrastructure occupied by public universities and they reduce universities' and government's administrative burden for patently routine land dealings. The amendments also remove outdated and irrelevant requirements on residential college leases. For eight of the 10 public university Acts, the amendments will remove a provision that requires leases to a residential college affiliated with the university to be at nominal rent for a maximum of 99 years and contain a term that the lease not be assigned. The University of Sydney Act is the only one of the public university Acts to define a residential college. Macquarie University has affiliation of residential college rules under its Acts and bylaws, and for the other eight public universities this requirement creates confusion in understanding and complying with their land responsibilities.

Universities are rightly being encouraged to build more accommodation for students, which is very important. Apart from providing valuable housing stock for students to access, it takes pressure off the private rental market. Of course, it is important that wherever possible student accommodation is affordable and accessible. Additionally, the land provisions across the 10 public university Acts have been rewritten to clarify and modernise the language used. This will make the requirement clearer for universities to administer and more easily understood by the general public.

Separate amendments will allow vice-chancellors at five universities to sub-delegate functions. This bill includes the addition of a new sub-delegation power for vice-chancellors so they can sub-delegate functions delegated to them by their university governing bodies. This sub-delegation power will arise only when the delegation from the university governing body includes the authority to sub-delegate. It is not a general power. This provision actually already exists in five university Acts and will now be included in the remaining five. The bill adds it to the Acts of Charles Sturt University, the University of New South Wales, the University of New England, the University of Sydney and Southern Cross University. This is a sensible and measured change that will reduce the administrative burden for governing bodies and universities. In conclusion, this bill provides for several small and appropriate amendments to the 10 university Acts. The changes are modest and largely preserve the important checks and balances on university land transactions already built into the Acts. I commend the bill to the House.

### Second Reading Debate

**The Hon. SARAH MITCHELL (17:25):** I lead for the Opposition in debate on the Universities Legislation Amendment Bill 2024. I indicate at the outset that the Opposition will support the legislation as we did in the other House. I appreciate having the opportunity to speak in debate on the bill. Unlike the Minister, I was not involved in student politics. I was very much a country girl who had come to the city and was enjoying living in Sydney while studying very hard, of course. I was a resident of a college at the University of New South Wales, Bassett, which is one of the Kensington colleges. I know that Dave Layzell and Gurmeh Singh in the other

place were at Philip Baxter College, and I think Minister Houssos also was at Baxter. Certainly, the member for Coffs Harbour, the Minister and I were all there at a similar time, but I do not recall meeting them. That is no reflection on them but perhaps more an insight into my university days.

However, I am happy to speak in support of this bill because I was the education Minister, although I never had responsibilities for universities per se. But as the cluster leader, I had a good, strong working relationship with the vice-chancellors and I maintain a keen interest in our university sector now as the shadow Minister. The Opposition thinks this is sensible legislation that will help to enhance the operational capabilities of the New South Wales universities. As the Minister said, the bill proposes targeted amendments to the Acts governing our State's public universities, focusing on two key areas: land and property management and administrative efficiency. It is important that universities have the autonomy to make changes and decisions to adapt in our rapidly developing society. Universities play a pivotal role in shaping our State's economy, our future workforce and our community. We see that not just in the metropolitan areas where universities like the University of Sydney generate billions in economic impact and support tens of thousands of jobs. It would be the same at my former university, the University of New South Wales, as well. But we also see a boost to the economy of regional towns.

Our regional communities that have a university certainly see incredibly positive impacts. Whether it is Wagga Wagga, Lismore, Bathurst, Armidale, Albury or Orange, just to name a few, what those regional cities get out of having universities—bringing students to those communities and the employment opportunities—is really critical. We need to make sure we support our universities so that we have great students coming out of courses with the skills they need for a competitive job market. But as part of that, we also must ensure we are supporting the universities in their administration, and that is what this bill intends to do. The bill will clarify and strengthen the powers of university governing bodies regarding land and property. For certain land transactions, the feedback has definitely been that the current requirements for ministerial approval are creating an unnecessary administrative burden, and anything that simplifies administration is important. Universities are significant landholders and it is crucial that they have the flexibility they need to manage their assets effectively.

The bill will enable universities to lease, transfer or otherwise deal with university land more efficiently while still maintaining appropriate oversight and accountability. Changes will also involve updating outdated provisions related to residential college leases. As I said in my opening remarks, residential colleges play a significant role in the academic and social landscape of higher education. From my own experiences of community building when moving to a new place, particularly for a country student coming to the city or another area, it can be quite isolating. It is quite a different experience than it is for someone who might only have had to travel down the road or over to the next suburb to attend university. Whether it is for rural or international students, it is really important to have residential colleges that foster a sense of community, social interaction and networking amongst students, creating a home away from home. We need to make sure that universities can run those colleges well, but also expand and potentially offer more opportunities for students as needed.

As mentioned in the other place by the shadow Minister for Skills, TAFE and Tertiary Education, the member for Albury, we acknowledge that some universities were concerned about the lack of consultation with the residential colleges regarding the bill. A number of the colleges were concerned that the removal of a provision could have potentially unintended consequences for their lease arrangements with universities. I am pleased to say that the Government engaged in that consultation and moved amendments in the other place to remove from the provisions some of the universities that had concerns, which the Opposition supported. That highlights that good practice—Ministers who are prepared to work with their shadow Ministers and listen to stakeholders—can achieve an outcome that is appropriate for all.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** Order! It being 5.30 p.m., according to sessional order, proceedings are interrupted for debate on committee reports and Government responses to take precedence.

#### *Committees*

### **PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT**

#### **Reports**

#### **Debate resumed from 6 August 2024.**

**Ms SUE HIGGINSON (17:31):** I take note of Report No. 21 of Portfolio Committee No. 7 – Planning and Environment entitled *Budget Estimates 2023-2024*. On behalf other committee members, I extend our sincere thanks and gratitude to the committee secretariat. The level of professionalism, courtesy and determination to deliver flawless proceedings, and the delivery of the Legislative Council's function as the house of review, is a genuine pleasure to be part of and somewhat of a miracle to behold. That gratitude and thanks goes to all the staff and support services that go into these hearings, including Hansard, the digital services team and the awesome

catering staff. Without the people who run the processes of the building, the work we do would be impossible. We see them and thank them.

Portfolio Committee No. 7 – Planning and Environment hosts a hearing for the Planning and Public Spaces portfolio, and a separate hearing for the Climate Change, Environment and Energy portfolio. Although Portfolio Committee No. 7 only covers two portfolio hearings, the scope of the work and the issues raised are incredibly broad and wide-ranging. I acknowledge my fellow members for being, on the whole, well behaved and on message. Although I have not checked all of the transcripts, members of Portfolio Committee No. 7, when they are in the chair, have a habit of upholding points of order taken against themselves, demonstrating that politicians are, in fact, capable of self-control.

**The Hon. Stephen Lawrence:** Hear, hear!

**Ms SUE HIGGINSON:** I acknowledge that. The size and diversity of the crossbench has made allocated time in budget estimates hearings highly competitive. I am glad that chairs of committees have been given stronger tools to ensure that repeated breaches of order have a suitable consequence for the offending members.

**The Hon. Wes Fang:** Hear, hear!

**Ms SUE HIGGINSON:** I acknowledge the interjection. Recent budget estimates hearings have occurred as the machinery of government continues to change. Changing roles have meant that some witness lists are both complicated and subject to last-minute change. There has been some resistance from the Government when requests for particular witnesses to appear have been made, along with assertions that questions about a person's responsibilities can be adequately answered by other people in government. I submit to the Government that it is for the committee to decide who is able to allow us to complete our work as members of this place. In the Climate Change, Energy and Environment portfolio, there were recurring themes throughout both the initial and supplementary hearings that are worth highlighting. Environmental protection and the role and functions of the Environment Protection Authority, the EPA, have been closely scrutinised in both hearings.

It remains clear that the Government must remain proactive in addressing the inadequacies that exist in the laws and regulation that are supposed to protect the community and the environment from polluting and damaging activities. Native forest logging, greater glider habitat, koala habitat and the Great Koala National Park were also subject to intense interest, forensic examination and a fair degree of dispute, particularly the continued logging of what will hopefully become a national park in the very near future. The Government and Minister maintain that their promise to establish the Great Koala National Park was qualified by an "eventually" clause, and that they have kept their promises to New South Wales because they will eventually declare and gazette the critical and well-overdue Great Koala National Park. So far, the Government has not given an adequate answer as to why it is the first New South Wales Government in history to intensify logging in an area that it promised to protect.

Biodiversity, its continued loss and destruction, and the Ken Henry review have been the subject of questioning in Portfolio Committee No. 7 hearings over the past year. The fundamental truth that biodiversity laws in New South Wales have been actively contributing to the loss of habitat and the extinction crisis is of no surprise to anyone living in the State. The provision of an independent report that specifically called for primacy of nature in our planning and environmental laws was a pleasant surprise. We thank Ken Henry for that body of work. It was nevertheless disappointing that the Premier's office stage-managed the response to that report. We do not have a Government commitment about nature primacy, nor a single mention of native forest logging in the Government response to that report, even though the report drew attention to that fact.

In this period of global warming and climate change, the trajectory of New South Wales and our planet more broadly is a huge concern for all people. It is already having a catastrophic impact on natural systems, and increasingly on human systems as well. In that context, it was deeply concerning that the Eraring Power Station, which was also the subject of forensic examination by the committee, has been propped up for a further two years. The land use sector's emissions reductions tracking, which was supposed to be the deliverance vehicle for carbon drawdown and emissions reductions, has still not caught up to where it must be in order to meet the legislated targets. We will continue to prosecute the case that the Government must go much further and much faster to properly address New South Wales's contribution to emissions, as well as what we must do to mitigate its impacts.

That brings me to the planning portfolio hearings. There is a greater need than ever to be ready for the changes that emissions are driving in our global climate. The NSW Reconstruction Authority, the ongoing recovery of the Northern Rivers, and continued residential development on flood plains throughout New South Wales make clear how chaotic and unplanned the planning system actually is. The Government has taken a singular interest in overdriving housing supply, but a coherent planning response to the dangers of climate change is lacking.

The question of planned retreat, and an acknowledgement that it is the core work of Government, has been raised through these hearings and will define the future of living in New South Wales. The willy-nilly construction of sea walls to protect the mansions of millionaires is a stopgap solution that leaves low-lying coastal communities to a dire future of permanent inundation. Now and in the near future, we must have a serious and radically honest conversation about unacceptable risks, how we educate people, and how we convince entire communities that they must leave their homes behind because we kept approving fossil fuel projects.

The functions of the Independent Planning Commission and its interactions with the State Government have been the subject of repeated questioning, particularly the role that planning Ministers have had in extinguishing merit appeal rights for communities in the face of massive, destructive and climate-wrecking fossil fuel projects. That was the subject of a forensic interrogation of the planning Minister. The use of the planning Minister's specific and exclusive powers to refer projects under the Federal Environment Protection and Biodiversity Conservation Act, and the power to assist in protecting critical habitat from bad developments, dovetails with the question of how the Minister intends to use his express power to help communities and the environment push back on bad development, especially what are known as zombie development applications.

I leave my contribution there and reflect that what we do in this place and through the hearings process is an incredible privilege. The access and rights that we enjoy here are too often taken for granted, and the community's trust suffers as a result. Despite that, I look forward to continuing improvements by me and my colleagues, and I make it clear that I expect better than what we currently have. I look forward to future budget estimates hearings and thank all participants and contributors to what ultimately was a successful and productive 2023-2024 budget estimates.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** The question is that the House take note of the report.

**Motion agreed to.**

#### **PORTFOLIO COMMITTEE NO. 5 - JUSTICE AND COMMUNITIES**

##### **Reports**

**Debate resumed from 17 September 2024.**

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** The question is that the House take note of the report entitled *Budget Estimates 2023-2024*.

**Motion agreed to.**

#### **PORTFOLIO COMMITTEE NO. 3 - EDUCATION**

##### **Reports**

**Debate resumed from 17 September 2024.**

**Ms ABIGAIL BOYD (17:42):** I take note of the report of Portfolio Committee No. 3 entitled *Children and young people with disability in New South Wales educational settings*. Safe, quality and inclusive education is a fundamental human right for all children and young people in our community. Despite that simple statement being recognised and agreed upon by most, it is sadly not the reality for many within the New South Wales education system.

Almost a year ago, on 29 September 2023, the disability royal commission handed down its historic final report, which offered a vision for an inclusive Australia. The report was underpinned by 222 recommendations for change, 131 of which were directed to the New South Wales Government. The report was the culmination of five years of inquiry, hearing from over 10,000 people with disability and their loved ones, advocates and representatives. They shared evidence of harrowing experiences of violence, abuse, neglect, exploitation and discrimination.

Volume 7 of the report, regarding inclusive education, employment and housing, detailed the persistent and systematic failure of Australian schools across all jurisdictions to consistently deliver safe and inclusive education for students with disability. It told a story of the dire need for a significant overhaul of our mainstream education systems to remove barriers to access for people with disability—barriers created by a lack of meaningful inclusion and deeply entrenched ableism. The commission emphasised that inclusive education is the genesis of an inclusive society and that a significant transformation of Australia's education systems is required in order to achieve that goal, alongside coordinated commitment from all levels of government and society. It was in that context that, as chair of the education committee, I was pleased to establish the inquiry with bipartisan support.

Our aim was to explore the themes and issues raised by the disability royal commission and to understand exactly how they relate to the New South Wales context and how experiences of disability are felt across all realms

of the education systems, from private to public schools, mainstream to segregated, and early childhood to TAFE and university. Our inquiry ran for over eight months and sought to examine the extent to which our education system and framework are currently providing safe, quality and inclusive education to children and young people with disability. The committee received 94 submissions from people with disability and their families, carers, advocates and representatives, as well as educators and government bodies and departments. We heard from 74 witnesses across four public hearings. We held multiple site visits to schools across the State and held a roundtable discussion to hear directly from children and young people with disability.

The inquiry received 190 responses from individual participants to an online questionnaire which was developed in consultation with the New South Wales Council for Intellectual Disability to ensure that as many individuals as possible were able to have their voices heard. I thank the Council for Intellectual Disability sincerely for its help in that regard, for the briefing it provided the committee ahead of our first hearing and for its exemplary advocacy over the years.

Our inquiry was also the first of its kind in the history of the New South Wales Parliament to provide Auslan interpretation at every hearing and Easy Read documentation, and to produce Auslan and Easy Read versions of the committee's final report. I thank the committee secretariat, the Auslan interpreters and all those involved in establishing that groundbreaking, inclusive and accessible committee process. Parliament should be accessible for everyone in our democracy, and I hope that our inquiry will pave the way for inclusivity and accessibility becoming standard practice across the entirety of Parliament's processes.

I also thank each and every person who filled out the online petition, made a submission or appeared as a witness, whether publicly or as part of our private round tables. Their evidence made a real difference. With every story we heard, committee members came that bit closer to living in their shoes. I thank all of the members who took part in the inquiry: the Hon. Anthony D'Adam, the Hon. Sarah Mitchell, the Hon. Natasha Maclaren-Jones, the Hon. Emily Suvaal, the Hon. Mark Buttigieg and the Hon. Tania Mihailuk. It was a genuine pleasure to work with them on the inquiry. Along with the hardworking committee secretariat, I acknowledge and thank Hansard, the Audiovisual and Broadcast team and all of the other parliamentary staff who keep things ticking along in this place and support members to do our best work.

Throughout the inquiry we heard story after story from students with disability and their parents, carers, siblings, friends, educators and advocates, as well as academics and legal professionals, about the exclusion and discrimination children with disability experience in our schools. On the one hand, we heard stories of children being denied entry into mainstream schools, suspended and expelled at alarming rates, subjected to cruel and restrictive practices, inappropriately funnelled into segregated settings or forced into homeschooling, and being denied critical and reasonable adjustments, accommodations and individual learning plans. We also heard shocking stories of outright discrimination, abuse, neglect and ongoing vilification.

On the other hand, we heard many stories and were fortunate to tour educational settings where things were working well—where children with disability were accepted, supported and included, with incredibly positive outcomes not just for the children themselves but also for their families and the other children in their classes. It was very clear from the inquiry that the experiences of children and young people with disability in New South Wales educational settings vary depending on the circumstances—the school, the class, the teacher, the family and the child.

The committee's final report found how profoundly the barriers created by a lack of inclusive education impact upon every aspect of a child's life, from childhood through to adulthood, in their family and social life, in employment, in accessing housing and health services, in being overrepresented in the justice system and more. Those lifelong consequences impact not only the individual with disability but also their siblings, families, parents, carers, peers and friends. They reinforce prejudice, discrimination, ableism and exclusion in society. In turn, that perpetuates an education system that is not inclusive, safe or accessible for students with disability in all cases.

If inclusive education is the genesis of an inclusive society, then by eliminating discrimination and ableism in our schools and insisting upon inclusion as early as possible we can begin to dismantle it across our broader society. As a result, our report made over 20 findings and 28 recommendations, many of which are closely aligned with those of the disability royal commission, to propose a plan for overhauling our entire education system. Any hope of achieving a world where students with disability can engage in meaningful and inclusive education will necessitate significant investment in a high-quality public education system, with highly skilled educators who are valued and adequately paid.

For more than a decade of Coalition government in New South Wales, our public education system was slowly but surely stripped of funding and resources as public money was increasingly funnelled toward private schools. As the NSW Teachers Federation noted in its submission to the inquiry, 98 per cent of Australia's public schools are underfunded, receiving below the Schooling Resource Standard. Educators from within the public

education system shared evidence at hearings about the tangible impact that has had on schools' abilities to adequately support all students, especially students who require adjustments or accommodations to facilitate their learning and wellbeing. How can we expect our teachers to fully support and teach our children if we do not properly equip them with the tools, support, training and resources to do so?

Witnesses, including educators, students with disability and their families and advocates, spoke of the extreme burnout and turnover rife within schools and the chronic shortage of appropriately qualified teachers, counsellors and support staff. That is why the report calls for an adjustment of the resource allocation model to ensure targeted funding for learning and support teachers to be employed on a permanent full-time basis in mainstream public school settings, in addition to calling for sustainable long-term investment in quality and appropriate infrastructure and incentives for educators, including qualified special educators and school learning support officers. The report also makes several recommendations in relation to bolstering and incentivising teacher qualifications, accreditation requirements and continuous professional development in relation to supporting students with disability to ensure all educators are better equipped to meet the learning needs of students with disability.

An overwhelming number of witnesses, including people with lived experience as well as expert advocates, described segregated education as being a "false choice". When presented with the option of either a mainstream setting that is completely inaccessible, not inclusive and oftentimes unsafe, or a segregated setting, students and their families are unable to make a real choice. Students with disability are increasingly being channelled into segregated schools and classes because our mainstream education system is not equipped to provide the necessary supports and resources that children with disability need.

In speaking about this false choice which prevents inclusion, witnesses explained that the positive experiences of families with segregated settings should be celebrated. However, those experiences do not negate the fact that, at a systemic level, it is not the best outcome our society could offer our children. A system that is genuinely inclusive and safe without exception could offer enormous academic and social outcomes. That is why the committee was unanimous in recommending a shift towards an education system across both government and non-government sectors that focuses on the rights of the child with disability rather than the narrower interests of the school to enable more students to transition to mainstream inclusive school settings.

Another clear set of findings related to how exclusionary discipline such as suspension, expulsion and restrictive practices are being used inappropriately against students with disability as a means of punishment instead of providing the student with the necessary supports. In addition, students are too often being denied reasonable adjustments that are critical for their learning and wellbeing. In response to those concerning findings, the report makes several recommendations, including creating clear guidelines for compliance with statutory obligations to provide reasonable adjustments, action to reduce the use of restrictive practices in line with the disability royal commission's recommendations, a shift in our model of behaviour management from positive behaviour learning to a trauma-informed approach, and providing greater support for students currently disengaged from the school system to transition back to school.

The committee also recommends the creation of an independent body to not only resolve disputes between families and schools as they arise but also support, advocate and investigate on behalf of children with disability and their families. Such a body should have jurisdiction over the education of all school-aged children, including at government and non-government schools, TAFE, vocational education providers, universities, early childhood education settings, home education and children not in any educational setting. It should be empowered to act in relation to a range of issues, including dispute resolution for suspensions and expulsions, reasonable adjustments, improving data collection, advising on a transition to inclusive education, investigating systemic ableism and discrimination, and more. Independent oversight with those capabilities would ensure a genuine, transparent and accountable mechanism for monitoring complaints and ensuring inclusive education across the State.

The inquiry made clear that our current anti-discrimination laws are inadequate and do not properly protect people with disability against discrimination. That is why the report recommends that we must go further than simply legislating against discrimination and amend the Anti-Discrimination Act 1977 to include a positive duty on educational institutions to provide reasonable adjustments for a person with disability. That is currently in place in some jurisdictions and was a key recommendation of the disability royal commission. The report also calls for the NSW Law Reform Commission to review existing private school exemptions in our anti-discrimination laws because no school should be legally allowed to discriminate against a student on the basis of their disability.

The disability royal commission's final report and vision for an inclusive Australia filled the disability community with hope that all those who bared their souls and bravely shared their stories with Australia would finally be heard by all levels of government and real action would be taken to implement the changes we need to create an inclusive society that fully realises and protects the human rights of people with disability. Nine months

after the final report was published, the Australian Government and the New South Wales Government both delivered shockingly woeful and inadequate responses to the commission's recommendations for change, which the disability community publicly labelled an utter betrayal and a failure of leadership.

Now, with the release of this inquiry's report, the New South Wales Government is faced with another opportunity to show the disability community it is serious about listening to people with disability and their representatives when it comes to creating an inclusive society, beginning with reforming our education system and building inclusion into our systems, policies and practices. At a time when the disability community is feeling not only disappointed but also under attack from both State and Federal Labor governments, it is crucial that the New South Wales Labor Government takes the action we need to begin creating a truly inclusive society that values people with disability exactly as they are and provides opportunities for all to grow and thrive.

Through each piece of evidence, the deep structural flaws inherent in our education system were made clear, as well as how urgently we need to overhaul our practices, policies and laws if we are to begin changing the attitudes ingrained in society that devalue, exclude and neglect people with disability. The report does not propose every possible solution to do that. However, in sharing the stories of those who bravely gave evidence and by agreeing across political lines on a pathway forward, we have taken further steps forward in paving the way for inclusive education and, ultimately, an inclusive society. Now we just need a government ambitious enough to act on it. I look forward to the Government responding to the report and implementing these important recommendations for change.

**The Hon. SARAH MITCHELL (17:56):** I contribute to debate on the Portfolio Committee No. 3 – Education report entitled *Children and young people with disability in New South Wales educational settings*. I share the sentiments of Ms Abigail Boyd, who did an excellent job as chair of the committee. There was bipartisan support to set up this inquiry into an area of public policy in the education space that can certainly be challenging. As the former education Minister, I know that sometimes there are complexities in terms of the supports provided to students with disability—not just at schools, although that was obviously the bulk of our findings and recommendations, but also in early childhood services, before and after school care, and at universities, TAFE and tertiary institutions.

As the former Minister and now member of the committee, it is clear to me that there is passionate advocacy from families and those who work in the disability space, particularly when it comes to giving students every opportunity to be their best. I thank every person who put forward a submission or gave evidence, including the individual parents who spoke about their child's experiences—some experiences were positive, and others were shocking—and the various advocacy groups. I urge the Government and the Minister to look closely at the findings and the recommendations that were made. I will not go into all the findings in detail, but there are number of key areas for which I place my views on record.

Firstly, there is an issue with the over-representation of students with disability in suspension and expulsion data. I was very cognisant of that when I was Minister. The simple fact is that far too many students with disability are suspended or expelled from school every year. Quite often, that leads to a very negative outcome for them in terms of disengagement with their education and other impacts later in life. As Minister, I tried to make some changes to the suspension policy. That was not about taking discipline out of the classroom, or physical violence being allowed, or taking power away from teachers and principals; it was about recognising that a student in kindergarten or year 1 could be suspended multiple times for days and weeks at a time. That student might have a disability, be from an Aboriginal family or be from a rural or remote area. The statistics are publicly available and they speak for themselves. We have to do better by those kids. We have to make sure that we are putting in the supports in terms of early intervention, that families are supported, that our teachers and principals are supported, and that they get what they need from department experts.

We brought in behaviour advisers. The whole point was to have a better system so that we did not end up with students with disabilities being over-represented in those statistics and that teachers and schools had the support they needed. Some of the recommendations are about the Government ensuring that schools help manage the behaviours of students with disability by using a trauma-informed approach through better professional development and support for teachers so they do not feel that suspension or expulsion is their only option. I do not think anyone would believe that that is in the best interests of students, and that is what we need to focus on.

One thing that came up often throughout the committee hearings was teachers' preparedness or support to help students with disability in their classroom. It does not matter if they are in a mainstream classroom, a support class, or right through to the schools for specific purposes [SSPs]. It was clear that we need to ensure that teachers are getting the professional development and support that they need. Recommendation 8 says that the Government should "expand the length, recurrence and content of mandatory continuous professional development courses relating to students with disability". That is a very good recommendation.

Concerningly, in the very week that the committee handed down its report, the Government made changes to teachers' professional development. We had in place a number of categories that were mandatory. One of those was to support students with disability. Of the hours that teachers have to do every five years to maintain their professional accreditation, we wanted every teacher, in some way, shape or form, to do some professional development to support students with disability. That requirement has been cut. It is gone. My fear is that we will end up with teachers less prepared to support those students in the classroom, not through any fault of their own but because the professional development opportunity will not be made available to them. That is something we will be watching closely.

We have to make sure we give teachers the support they need. Teachers in a mainstream setting will have different students each year in their classroom. It is difficult to know, when they are finishing university, what their careers might look like and which students they will be supporting day in and day out when they are in their classrooms. It is a concern if they are not getting evidence-based professional development support. I am particularly interested to see how the Government will respond to recommendation 8. As I said, in the week the committee made the recommendation to expand that mandatory continuous professional development, the Government cut it altogether. That is very concerning.

I will touch on two other issues. The first is around the continuation of SSPs. It is a vexed issue. The royal commission certainly did not have agreement on that across the commissioners. The position I always held as Minister and continue to hold is that parents are best equipped to make decisions that are best for their child. I have been to some fantastic SSPs that really do support students, particularly those who might have complex additional physical needs. Those parents and students are really thriving. They enjoy the school community, and that is what works best for them. But I am also aware that the majority of students who have a disability are educated in a mainstream setting, and that works incredibly well for families too.

I think it is about choice and enabling parents to make the best decision for their child, whether that is in the local classroom, in the local public school down the road, or in a more specialised setting. I think that is important. I know there are differing views. People are passionate about that on both sides. But I think the evidence the committee heard, and the recommendations it made, are about understanding that we want to work towards a system that enables more students with a disability to be in mainstream inclusive school settings in circumstances where the child and the parents are of the view that it would be to the benefit of the child. I think it is important that point is made in the debate.

That brings me to my last point. At the end of the day, everything we did in the committee and the recommendations is focused on what is best for the student. We cannot forget student needs. In fact, that should have been my first point and not my last one. Whether it is making sure we have the capital investments needed for access, the right supports in terms of what students need in the HSC, and the right supports in university and tertiary settings, we need to make sure there are reasonable adjustments made for students and their learning, regardless of where they attend school and what those needs might be.

We need to make sure we have a system in which students can learn to the best of their ability and be supported, and in which their parents feel comfortable. It concerns me that we heard evidence throughout the inquiry—and I heard it when I was Minister too—about some parents going to a local school and not feeling comfortable or feeling that their child would not be accepted there. That is not okay. We should have inclusive environments where parents can make decisions about what is best for their child. Whether it is their local public school or a more specialised setting, they should be supported in whatever decision they make.

I will finish by mentioning the dissenting report that members of the Opposition put forward. We were largely in support of the recommendations, but we did speak and vote against recommendations 24 and 25, which ask the Government to seek amendments to the Anti-Discrimination Act to remove exemptions that allow private education institutions to discriminate against a person on the basis of disability. That is outlined in the Opposition members' dissenting statement. Our concern was that the committee did not delve into the issue in great detail. A lot of witnesses did not speak to that because it was not part of the original terms of reference. Opposition members did not think it was appropriate to make recommendations of that nature, given it is a complex issue, and it was not something we felt we heard sufficient evidence on, either way. Had they known that was something the committee was looking at recommending, a number of stakeholders would have put in submissions or come to give evidence in person. For that reason, we did not support recommendations 24 and 25.

As I said, the bulk of the recommendations are very sensible. They go to key issues in terms of supporting students with disabilities and their families. I thank committee staff, Hansard, the Audiovisual and Broadcast team, and the Auslan interpreters, who did a wonderful job. We all talked very quickly. I was amazed at how well they kept up with us. It was important to have the Auslan interpreters in an inquiry looking at educational opportunities for children and young people with disabilities. I commend the committee chair, because she was the driving force behind that. It is a good report. I urge the Government to look seriously at the recommendations.

**The Hon. ANTHONY D'ADAM (18:06):** I contribute to the take-note debate on the report of Portfolio Committee No. 3 – Education entitled *Children and young people with disability in New South Wales educational settings*. It is a very good report. In this place, one sometimes gets amazing opportunities to be involved in processes that are challenging and inspiring. The testimony the committee received from many of the people who came before the inquiry was both challenging and inspiring. Participating in this inquiry was one of the high points of my time in the Legislative Council. I commend the committee chair, Ms Abigail Boyd, who brought an open and collaborative approach to conducting the inquiry. I particularly commend the approach taken in the development of the recommendations from the inquiry, which really was best practice. It should be the role of the chair to seek consensus and produce a report that the whole committee can get behind. That was certainly the case in this inquiry.

That is not to say that there were not areas of clear disagreement. In my case it was interesting because I came to the inquiry with some views, particularly around the operation of the disciplinary policies within the education system and the role of suspensions and expulsions, that were challenged by the evidence. I walked away from the inquiry with changed views about the approach that should be taken. I think that is a testament to the way the inquiry unfolded. We were generally able to approach the evidence from the viewpoint of an inquisitive and curious beginner's mind. I think some of the views that Ms Abigail Boyd brought to the inquiry may have been modified as a result of her participation in the process. That is a good thing, and I think we are all better for it.

The central question in the inquiry was around the ongoing role of schools for specific purposes [SSP] in specialist education settings. It is true that everyone who is involved in disability education—parents, children and those who provide it—are all dedicated to delivering the best possible outcomes for children with disabilities. There may be disagreements about how that is best achieved, but the committee did not encounter anyone who was not there for the right reasons. Those who are involved in disability education really are the best of humanity. I refer to the role of specialist education settings. While there was consensus among committee members that the Government should be working towards the most inclusive approach, there were circumstances for which specialist settings were needed and appropriate.

I was particularly challenged by the evidence from the deaf community, who were quite adamant that they wanted to continue with a specialist setting. They did not want to be forced into a situation that did not allow them to have an immersive educational setting that had Auslan as the dominant education delivery mechanism. That was the moment I realised that nuance is required when addressing the need for different educational settings.

I turn to the recommendations. I particularly want to speak to recommendation 17, which is about the role of integration funding support and the mechanism by which that support is determined. Although the department is indicating that it wants to move away from a diagnosis-based system for determining eligibility towards a functional approach, diagnosis-based is the current practice. It was clear that that needs to be accelerated because the ability for kids to access a diagnosis is constrained by a whole range of factors, and the Government needs to take that into account. In particular, the committee took evidence from some Aboriginal educators who talked about the rural and remote context where kids are not able to access the diagnoses that are readily available—or more available—in metropolitan areas. That is clear. The Government needs to make sure that the support provided to kids in need is not impeded by those kinds of obstacles. Those barriers need to be broken down so that kids can get the support they need when they need it and as early as possible.

I turn to the issue of positive behaviour learning versus a trauma-informed approach. I got a lot out of the site visit to Ajuga School, a school for kids who have complex trauma backgrounds that manifests in behaviour. It was an amazing educational setting. It is dedicated to maintaining the nexus between itself and the home schools of its students. Its students are supported so that they are able to eventually return to a mainstream setting. It would be a good thing if this Parliament could in any way progress the application of that model by giving opportunities and creating spaces for that to occur.

In the context of the Ajuga School visit, I have a concern about the role of the directors of educational leadership. The committee visited a number of public schools and we were always accompanied by a director of educational leadership. While I do not think it is intentional, a power imbalance is created when a senior educational official attends a site visit. In some circumstances I felt that some people talking to us were self-censoring because they did not want to speak out of turn. During parliamentary inquiries members need to be able to get to the truth of the matter. We need to remove those invisible barriers so people are able to speak freely. That would enable the committee members to gather the necessary evidence to make informed judgement about the exact situation.

I felt that, in that particular context, the committee members perhaps did not get the full story. When we asked questions about the availability of places and the extent of the demand I felt that we were not provided with the full story. That is a significant problem. I hope the department takes that on board for future inquiries

conducted by this committee and makes sure that those senior officials do not play a role that may lead to less than frank answers to our questions. I conclude my remarks by saying that it is a fine report with good recommendations. I hope the Government embraces them. It has been a pleasure to be involved in this inquiry.

**The Hon. TANIA MIHAILUK (18:16):** I contribute to the take-note debate on the report entitled *Children and young people with disability in New South Wales educational settings*. It was a pleasure to participate. It was my first inquiry as a member of the Legislative Council and it was very different to what I experienced in the lower House. I take the opportunity to acknowledge the chair, the other committee members and the staff that provided support and ensured that we could conduct the inquiry. I also acknowledge the many stakeholders, community organisations and educational institutions that participated. For those who did not have the opportunity to participate, I thank them for the work that they do so diligently to ensure that our most vulnerable are given opportunities in this State.

As a long-term MP, I have worked with many families that have children with disability. I also have a family member with a profound disability. I am acutely aware of the many challenges that families face, particularly when it comes to giving every opportunity to their child. We know that providing that dedication right from the get-go is so critical. I saw that with my brother, who grew up in the '70s and '80s. Those opportunities were not available as readily as they are now and I think that is very important to note. Whilst there is a need for improvements in some parts of the sector, overall what we have today is far more superior and better than the situation only a couple of decades ago in Australia, and indeed in New South Wales.

I want to raise a couple of issues. One issue, which I am very pleased we settled the final wording on, was restrictive practices. There has been a lot of media discussion and there is a view by some that there is a need to remove restrictive practices used when providing education for children with a disability. However, there are times when restrictive practices are incredibly necessary for the safety of a child. Sometimes a lot of people who do not have experience in the area do not appreciate or understand that restrictive practices can mean something as simple as a doorknob being higher than a child can reach, a closed door or a locked facility. A gate or high fences around a school are also restrictive practices. The idea that we would remove all restrictive practices is not practical at all. In fact, it could subject every child to unintended consequences, not just children with disability. I am pleased that we have stuck with the wording in the current report, which refers to the royal commission. We want to reduce restrictive practices, but we also understand that they are still a necessary part of delivering education. They are part and parcel of the education system.

I also want to note specialist school settings. Many have formed a view that every child should be in mainstream school settings, but that is not the case. As a number of members have indicated in this debate, there are many families with disabled children who actually want their child in a specialist school setting. It is safer and sometimes provides a better outcome for that child. It is important to balance the integration of children who are better off in a mainstream setting with taking the opportunity to understand that we must finance and support specialist school settings. In my former electorate of Bankstown we had two specialist schools: George Bass School in Georges Hall and Caroline Chisholm School in Padstow. Both of those schools were so popular, with a long queue to get into them. As we incorporate children into the mainstream setting, we need to understand that we cannot stop funding and supporting specialist school settings. The inclusion of recommendations 24 and 25 disappointed me greatly. Recommendation 24 states:

That the NSW Government refer the issue of the removal of exemptions which allow private educational institutions to discriminate against a person on the basis of disability to the NSW Law Reform Commission for consideration as part of its review into the *Anti-Discrimination Act 1977*.

That matter was referred to the NSW Law Reform Commission, which is broadly considering the Anti-Discrimination Act [ADA]. Recommendation 25 reads:

That the NSW Government seek to amend the *Anti-Discrimination Act 1977* to include a positive duty on educational institutions to provide reasonable adjustments for a person with disability.

I do not agree with the inclusion of these two recommendations because they were not suggested in the terms of reference at all. When we invited stakeholders to participate in this inquiry, at no stage were they told—and nor was I, even as a committee member—that we would end up suggesting the ADA be amended. We did not even make a single recommendation to amend the Education Act, which I thought we would, but instead we referred recommendations to the ADA. By doing this, we did not test the evidence properly. We did not seek out case samples or have any particular findings. Very few submissions, if any, supported those recommendations.

In particular, none of the many independent schools—including Catholic systemic and private schools, Christian schools, Islamic schools and Jewish schools—actually participated in this inquiry. They never thought they would need to. None of these educational institutions were told that the end result would be that we would make this referral or recommend amendments to the ADA. From the point of view of many of these educational

institutions, which do a really good job providing education to kids in New South Wales, this is just another attack on religious organisations in this State. There is already enough legislation being reviewed by both Houses at the moment that is trying to take away rights from schools.

The problem with the recommendation to refer amendments to the Law Reform Commission is that submissions to that review have closed. Any of those stakeholders that did not know that this was going to form part of the report and recommendations for this inquiry did not have the opportunity to make a submission. Certainly they will not be able to make any contributions to the other review, being undertaken by the Attorney General's office, which has not even issued a consultation paper yet. Those recommendations were an unnecessary inclusion. Other than that, I think the committee inquiry ran very well.

There was only one non public school representative, from the Association of Independent Schools of New South Wales, who appeared on the last day of the hearing. They were only told of glowing reports. All of the data suggested that there were fewer suspensions and expulsions at independent schools, and that it was the private schools that were accommodating kids with disability at the HSC far better than the public system. Members can have a look at that in the transcript. That is the only information we received about private schools. All of the reports were essentially telling us that they were, in fact, supporting kids with disabilities.

When we do these inquiries it is important that we are honest, that we work in good faith and that what we are seeking is very clear in our terms of reference. This is the only area of disappointment that I had. Other than that, I thought we worked very well together. All members came to the committee wanting to improve the lives of young people and children with disability in New South Wales. We wanted to make sure that we have an education system that supports everybody's needs. Hopefully the Government response will give us a sound indication that in the next 3½ years it is going to work with families to improve the educational outcomes for children with a disability.

**Debate adjourned.**

## **PUBLIC ACCOUNTABILITY AND WORKS COMMITTEE**

### **Government Response**

**Debate resumed from 17 September 2024.**

**Ms ABIGAIL BOYD (18:27):** I take note of the Government response to report No. 3 of the Public Accountability and Works Committee entitled *NSW Government's use and management of consulting services*. On 1 September the Minister for Domestic Manufacturing and Government Procurement announced that the Government would be introducing legislation to ban suppliers who engage in serious misconduct or abuse of trust from doing business with the New South Wales Government. In the media release announcing this policy, the Minister stated:

It means dodgy companies won't get an unfair advantage over companies that act in good faith and meet the ethical standards and behaviours the NSW Government expects from its suppliers.

Examples of misconduct were listed as including engaging in fraudulent or corrupt conduct or failing to comply with taxation laws. Perhaps members can rack their brains to try to come up with recent examples of misconduct and unethical behaviour by companies taking millions in New South Wales Government money. Perhaps members are minded to pull out their well-thumbed copy of the committee's report into the Government's use and management of consulting services and conclude that the Minister's announcement means that the Government has decided to adopt the committee's superb recommendations in full. Sadly not. Just a few days before that media release, the Government delivered its response to the committee's report on the use of consultants and made it very clear that it would not be applying the same enthusiasm to cracking down on this protected class of corporate Australia as it will be on other suppliers of goods and services to the New South Wales Government.

Of the 28 excellent recommendations made by the committee following a lengthy and detailed inquiry, the Government is supporting three of the most straightforward recommendations, giving some lukewarm in-principle support for 16 recommendations, partially supporting one recommendation and merely noting five recommendations. This is a disappointing response from the New South Wales Government. In particular, I note the Government does not support the following recommendations. One, the Government refuses to name and shame consultants who fail to do the right thing. Recommendation 24 would have seen public disclosure of any instance of a material breach by a consultant that would undermine public confidence or integrity in the New South Wales procurement framework, with any action taken to address the breach also being disclosed.

Two, the Government refuses to exclude consultants and those with a financial interest in a consulting firm from sitting on public sector boards. This is despite the committee's finding of the potential for conflicts of interest, not to mention the undesirable embedding of cultural norms around the overuse of consultants that having such

people on public sector boards creates. Three, the Government has even refused to require disclosure of post-engagement evaluations that find work completed by consultants was not to the appropriate standard. One of the recurrent themes in the committee's inquiry was around the lack of consequences for consultants doing the wrong thing. Post-evaluation reports were rarely performed, public officials were taking everything the consultants were doing on faith and, even where conflicts of interest were kept from the Government, there were no real consequences for this bad behaviour.

When the PwC Australia tax scandal broke, we saw a rare moment of some consequences being applied, but the New South Wales Government's response was incredibly weak: a mere suspension for a few months from a very specific line of work that would have had no significant negative impact on PwC. Other recommendations not supported by the Government, with gusto, include those which would provide greater accountability and transparency over tenders and contracts—including reasons for there being a limited or no tender, and reasons for contract extensions and amendments—and those which would have brought conflicts of interest out into the spotlight, rather than being left to be determined by those with the most incentive to hide them. There was also no commitment from the Government in relation to recommendations designed to bolster the public sector.

It is hard not to wonder at the disconnect between the Government response to the committee's report and the Minister's media release a few days later claiming that the Government's new legislation will come down tough on suppliers doing the wrong thing. However, I take comfort in the fact that one of the recommendations supported by the Government in its response is to consider establishing a New South Wales Government consulting service, similar to what has been established federally. The easiest way to make consultants behave more ethically in relation to the services they provide to government may be to cut them out of providing services to government altogether, or at least to a markedly reduced degree. Until then, we must keep digging to work out what they are up to and how badly they are taking advantage of the New South Wales Government's lack of safeguards. In that respect, I look forward to the next inquiry into the Government's use of consultants in the next term of Parliament.

**Debate adjourned.**

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

### *Bills*

## **UNIVERSITIES LEGISLATION AMENDMENT BILL 2024**

### **Second Reading Debate**

**Debate resumed from an earlier hour.**

**The Hon. SARAH MITCHELL (20:02):** I have only a short contribution left after my earlier remarks on the Universities Legislation Amendment Bill 2024. Before debate on committee reports and government responses, and then dinner, we were talking about the great role of residential colleges and how much fun we all had at our respective colleges when we were university students. I also mentioned the concerns that a couple of the colleges had about unintended consequences of the bill, and I put on record the Opposition's gratitude for the work that shadow Minister Justin Clancy did in conjunction with Minister Whan to amend the bill in the other place so that everybody could support it. Parliament does its best work when we have that collaboration.

As the Minister spoke about in her second reading speech in this place, the bill also addresses administrative efficiency by allowing for the sub-delegation of certain powers. Those commonsense changes recognise the complex organisational structures of modern universities and will enable more streamlined decision-making processes. The amendments in the bill are not about making radical change, but rather about fine-tuning legislation to better support the operations of our world-class universities.

In my time as Minister, I was fortunate to get to know a number of university vice-chancellors. Mark Scott, the Vice-Chancellor of the University of Sydney, was the Secretary of the Department of Education prior to taking on that role, and I worked very closely with him. I also worked with vice-chancellors at all of the other major universities in the State at one time or another on a range of issues. Anything we can do as a Parliament to better support the operation of those universities is a good thing. By removing unnecessary administrative barriers, we empower our institutions to focus more of their resources and energy on their core mission of providing education to students and engaging in research and innovation. It is important to note that the changes were developed in close consultation with the university sector. They reflect the evolving needs of our institutions and align with best practice in university governance. The shadow Minister, Justin Clancy, has also engaged with the Vice-Chancellors' Committee on those issues.

I also spoke with a couple of university staff that I know, one of whom is involved in residential colleges at the University of New England and another at the University of New South Wales. They were very supportive of what the bill seeks to do. As we continue to navigate the challenges and opportunities of the twenty-first century, it is important that our universities have the tools that they need to thrive. The bill aligns with best practice in university governance. It represents a positive step forward in ensuring that our institutions remain agile, efficient and well positioned to compete on the global stage. The Opposition is happy to support it.

**The Hon. CAMERON MURPHY (20:05):** I am delighted to make a brief contribution to debate on the Universities Legislation Amendment Bill 2024. This incredibly important bill will amend a number of different Acts: the Charles Sturt University Act 1989, the Macquarie University Act 1989, the Southern Cross University Act 1993, the University of New England Act 1993, the University of New South Wales Act 1989, the University of Newcastle Act 1989, the University of Sydney Act 1989, the University of Technology Sydney Act 1989, the University of Wollongong Act 1989 and the Western Sydney University Act 1997.

The bill is the result of long-term collaboration between all of those universities and the Government, with the universities putting forward a proposal to update and modernise the language of the public university land provisions. It is a great example of the Government working productively with stakeholders to make sure that our legislation is fit for purpose. The aim of the bill is to clarify and modernise the requirements and the language of the land provisions in the public university Acts, to standardise the university vice-chancellors' sub-delegation powers and, where appropriate, to remove specific provisions for residential college leases.

First, the bill will modernise and streamline the land requirements in the Acts and will remove public universities' need to gain approval for certain land transactions such as easements and leases for utilities infrastructure. The bill will extend the existing power of universities to enter into leases of up to 21 years without ministerial approval to 99 years, for utilities infrastructure and services only. As the Minister explained in her speech, that incredibly important revision will streamline what ought to be very simple university administration. At the moment the provisions require ministerial approval for small and simple transactions on university campuses. Public universities will still need ministerial approval for the sale or long-term lease of land for other purposes where the land was obtained from the State for nominal value or less than market value. That sensible change will reduce the administrative burden for universities and government alike.

One of the examples cited is that a university needed ministerial approval to grant a right of way to allow a utility company access to university property to maintain and service overhead powerlines. Another university had to get ministerial approval to grant a lease to Ausgrid so it could install an electrical surface chamber substation in a new building. In those specific situations it is clear that universities are subject to unnecessary and burdensome oversight. That is not a good use of the Minister's or the universities' time, and the process should be streamlined.

I understand the Opposition and The Greens requested a minor amendment to the wording in the schedule to make it crystal clear that the change to leases applies only to utilities infrastructure or utilities services. I congratulate the Minister on making that important but minor change. The bill will also allow the vice-chancellors at five universities to sub-delegate functions. It will bring the universities that currently do not have the sub-delegation power in line with the other five public universities that already have the ability. When universities make relatively minor decisions on day-to-day operational matters around leases and lands, it is important that the rules and requirements for ministerial approval are concurrent. Where possible, the bill streamlines or removes those requirements.

The bill will amend the Charles Sturt University Act, the University of New South Wales Act, the University of New England Act, the University of Sydney Act and the Southern Cross University Act to add the sub-delegation power. Examples of sub-delegated powers include things like approving specific commercial or financial transactions and providing the authority to approve particular human resources functions. That change will help streamline administrative processes and allow for greater consistency of governance arrangements across our public universities.

The third area of the bill removes a provision from eight of the university Acts that requires leases to a residential college affiliated with the university to be at nominal rent and to contain a term that the lease not be assigned. Broadly speaking, that requirement has created confusion for universities in understanding their land responsibilities. Only the University of Sydney Act contains a definition of "residential college". I understand that a number of universities do not have any colleges that readily fit the "affiliated" description.

I call attention to the significant stakeholder consultation that has gone into the bill. I understand the Opposition and some residential colleges have raised concerns that the change could have unintended consequences. As a result, the Government undertook further consultation with universities and their residential colleges to address those concerns. I understand that the Minister's office worked closely with the

NSW Vice-Chancellors' Committee and the Opposition on the proposed amendment. Eight of the 10 public universities wanted to proceed with the change, while residential colleges at Macquarie University and the University of Sydney raised concerns. As a result, the Government amended the bill so those two universities will retain the existing provision. That is a positive outcome that speaks to the consultation that has gone into this bill.

The university sector is critically important to New South Wales. I support these changes, which will allow universities to better focus on their core business of teaching and research. To conclude, this legislation signals the New South Wales Government's commitment to working closely and collaboratively with universities to improve outcomes for each institution, their staff and students, and the State. I commend the bill to the House.

**Ms ABIGAIL BOYD (20:14):** On behalf of The Greens I contribute to debate on the Universities Legislation Amendment Bill 2024. My colleague the member for Ballina, Tamara Smith, is The Greens spokesperson for education; however, I understand she was unable to speak on this bill in the other place. I put on record that The Greens appreciate the Minister's accommodation of a discussed amendment to make a lease provision for 21 years rather than 99 years. The Greens support the bill in its current form.

To be frank, this is a minor bill that makes small amendments to the legislation, but it exists in the context of a broader debate about the university sector that has been bubbling at the Federal level. Other members have reflected on where they were in their university days and how things have changed. I have real concerns about the increasing privatisation and reliance on the commercial dollar in public universities. There has been a lack of funding over decades from successive Federal governments. Education is increasingly viewed as a means to an end rather than something with value in itself. Research is also viewed as something that must be saleable and publishable for profit, preferably in partnership with some corporation, rather than done for its own sake. Over just a few decades, universities have become reliant on external rather than public funding to survive. That has created some perverse outcomes.

One area of concern is the state of university boards. There is a growing appetite, perhaps even from this Parliament, to look into the governance of universities. I would be very interested in an inquiry into the corporate governance of certain universities. Vice-chancellors earn millions of dollars. Apparently Bill Shorten is off to earn a million dollars as a university vice-chancellor, which is an extraordinary turn of events. Vice-chancellors are effectively elected by a boards on which it seems the members all elect each other. The parliamentary inquiry into consulting last year did not focus on universities because they are more of a Federal than a State concern, but the number of current partners at consulting firms who are also sitting on university boards is pretty extraordinary. I am bemused that people sit on one or more boards while holding another job. There is a real industry of people who have four or five board memberships. That a partner of a consulting firm could carry that full-time workload and also be an effective member of the board of a major university strikes me as something worth looking into.

I am incredibly concerned by the amount of money that each university expends on consultants and the relationships that they are building with consulting firms. While student fees are going up and there is increasing casualisation and precarity for teachers within the university sector, there is also cronyism on university boards and incredibly inflated salaries for vice-chancellors. I am sorry to break it to those vice-chancellors, but their salaries are far beyond their value.

Nobody is worth that much. It is quite extraordinary to me that those jobs are going to ex-politicians and not to people who have any real experience or skills in managing large institutions. There is definitely something to look at here. This is a minor bit of legislation. But given that we have this overlay of State responsibility for the legislation governing the public universities, I hope that members of this Parliament turn their minds to what the governance of these institutions should look like going forward.

**The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (20:19):** In reply: I thank all honourable members for their contributions to the debate. I thank the Hon. Sarah Mitchell for giving a regional member's perspective—and also for getting us through to the take note of committee reports debate. References to the importance of residential college for some of our regional kids was an important thing to get on record. I thank Ms Abigail Boyd for raising concerns on behalf of herself and the member for Ballina. It was useful to have those aired. I also thank the Hon. Cameron Murphy for his contribution.

As those members noted, public universities are the beating heart of our community. They are incredibly important to opening up the limitless opportunities that should be in front of our young people. Not all young kids want to go to university—I recommend TAFE and trades to those who are keen—but we want the opportunity to be available to all those who do. It is critically important that we support universities. As has been noted, the bill makes relatively minor amendments to the public universities Acts. Those amendments reflect the modern realities of how universities are administered and remove some unnecessary and cumbersome requirements for ministerial approval for pretty narrow uses of university land to support utilities infrastructure. I think it is very sensible.

As has been noted, I have a history of being involved in university administration when a student at the University of Sydney. Of course, it would concern me if universities were able to make decisions in an unregulated way based solely on their commercial operations because, as noted by Ms Abigail Boyd, there is a lot of pressure on university budgets these days. Let us be clear: The bill is not opening the door to that. It is a very minor, targeted amendment that is only about reducing red tape. In those circumstances, it is very sensible.

The changes in relation to residential colleges are also sensible, targeted and limited. I will talk more about why those amendments are important. For eight of the 10 university Acts, the amendments also remove a provision requiring leases to a residential college affiliated with the university to be at a nominal rent and to contain a term that the lease cannot be assigned. For a lot of universities, the current provisions are unclear, outdated and create a whole lot of confusion.

The Government wants to make it clear how we can get more student accommodation. Firstly, it is absolutely the case that university students want that incredible opportunity to live on campus in residential colleges. As has been noted, many members had that experience and found it really enriching and rewarding. The Government wants to streamline that. Secondly, the provision of student accommodation takes pressure off the private rental market. I did not live in a residential college. I was one of those in a share house in the private rental market. In those days you could get a three-bedroom house in Newtown just around the corner from the Botany View Hotel. Is that where you had your birthday, Treasurer?

**The Hon. Daniel Mookhey:** Yes.

**The Hon. ROSE JACKSON:** I lived just down the road from there and used to roll down there on many a day. In those days a student could get a three-bedroom house in Newtown and live there with their mates. Sadly, those days are long gone for a lot of university students. Streamlining the provisions to allow residential colleges to have clarity about how they operate is important because it takes pressure off the private rental market and offers an incredible experience for students living in those colleges. The amendments allowing vice-chancellors to sub-delegate is a tidy-up provision. Those provisions already exist in five of the Acts. The Government is just putting them in the other five Acts so they are consistent. Universities these days are big, complicated operations with vice-presidents, vice-chancellors, provosts and pro-vice-chancellors et cetera. It is important that they have clear sub-delegation powers, so that is a sensible provision as well. Those are the main provisions of the Act. 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.**

### Third Reading

**The Hon. ROSE JACKSON:** I move:

That this bill be now read a third time.

**Motion agreed to.**

### Committees

## STANDING COMMITTEE ON SOCIAL ISSUES

### Membership

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** I inform the House that following the resignation of the Hon. Jeremy Buckingham on 10 September 2024, nominations were sought for one crossbench member to be appointed to the Standing Committee on Social Issues. The Clerk subsequently received one nomination for membership of the committee, from the Hon. Taylor Martin. As the Clerk received no further nominations, the Hon. Taylor Martin is accordingly a member of the committee.

### Bills

## CRIMES (DOMESTIC AND PERSONAL VIOLENCE) AND OTHER LEGISLATION AMENDMENT BILL 2024

### First Reading

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

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

**Statement of public interest tabled.**

**The Hon. DANIEL MOOKHEY:** I move:

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

**Motion agreed to.****Second Reading Speech**

**The Hon. DANIEL MOOKHEY (Treasurer) (20:27):** I move:

That this bill be now read a second time.

The Government is pleased to introduce into this place the Crimes (Domestic and Personal Violence) and Other Legislation Amendment Bill 2024. Domestic and family violence is one of the most troubling social issues that we face in New South Wales, in Australia and around the world. It is a complex, multifaceted problem that is serious and widespread. We have seen all too often that domestic and family violence can have devastating impacts for victim-survivors, who are overwhelmingly women who suffer abuse at the hands of men. The impacts can reverberate throughout the lives of victim-survivors and their families, taking a toll on their social, emotional, economic and physical wellbeing. Of course, this abuse can tragically turn lethal, as we have seen in too many cases in New South Wales. It is important to remember that such deaths are, sadly, not rare or isolated incidents. As the most recent report of the Domestic Violence Death Review Team highlighted, almost one-third of homicides in New South Wales between 2000 and 2022 are domestic violence related. These are sobering figures. It is incumbent on all of us to continue to work to combat the blight of domestic and family violence.

All Australian governments are committed to improving our responses to domestic and family violence. The New South Wales Government is working closely with its counterparts across the nation. These are important efforts to ensure we, as a nation, are dealing with this issue in a holistic manner. Domestic and family violence is a complex and challenging social issue that requires coordinated and concerted efforts across many areas and service systems. The New South Wales Government has progressed swiftly with actions it knows are needed to help strengthen the response to domestic and family violence in our State. Law reform is just one part of that response but it is an important one. Our criminal laws set the standards of conduct we expect in our society and they enable our law enforcement agencies to investigate and respond to harmful and dangerous behaviours. The bill continues our ongoing efforts in law reform to enhance legislative responses to domestic and family violence.

Earlier this year the New South Wales Government introduced important reforms through the Bail and Other Legislation Amendment (Domestic Violence) Act 2024, and I once more thank members for their constructive engagement with that legislation. That Act introduced significant legal reform, making it more difficult for accused persons charged with serious domestic violence offences to get bail. Among other things, the Bail and Other Legislation Amendment (Domestic Violence) Act 2024 expands the categories of show cause offences to include serious domestic violence offences, as well as the new coercive control offence; strengthens the unacceptable risk test, including by requiring a bail decision-maker to consider the red flags of domestic abuse; requires electronic monitoring of people charged with serious domestic violence offences who are granted bail despite the strengthened show-cause and unacceptable risk tests; and prevents registrars from making bail decisions, thereby requiring either a judge or a magistrate to make these important decisions.

The work has not only been legislative in nature. The Government has also announced a \$245.6 million package to improve the response to domestic and family violence through primary prevention, early intervention and crisis response measures. The funding has gone towards a range of interventions focused on proactive measures to prevent violence and offending. In addition to that, the Government has made a \$5.1 billion investment in expanding social and affordable housing to build an expected 8,400 dwellings, of which half are available for the victim-survivors of family violence. The bill that the Government has introduced today builds on that work and it does so in a number of important ways.

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

**Leave granted.**

First, this bill introduces laws and additional tools for our criminal justice agencies to target and respond to high-risk domestic and family violence offenders. These reforms include:

- Two new aggravated offences, which will enable higher penalties to be imposed when a person breaches an apprehended domestic violence order or "ADVO" with the intent to cause harm or fear, or when a person persistently breaches an ADVO;
- A new civil protection order scheme for "serious domestic abuse prevention orders", which are modelled on the serious crime prevention orders that are currently available to respond to serious and organised crime; and

- Amendments to the definition of stalking to better capture technology-facilitated tracking or monitoring conduct, such as the use of GPS trackers or monitoring a victim's online accounts.

Second, this bill supports the implementation of the bail reforms contained in the Bail and Other Legislation Amendment (Domestic Violence) Act 2024 by:

- providing an exception to the requirement for an accused person to appear physically in first-appearance bail matters where a magistrate is not physically present at the location at which the accused would otherwise appear, to enable AVL access to a magistrate in another location and support implementation of the policy to remove registrars as bail decision makers, particularly in regional areas; and
- providing that, where an accused person granted bail for a serious domestic violence offence is subject to electronic monitoring under new section 28B of the Bail Act 2013, they must not be released from custody until they are fitted with the electronic monitoring device.

Finally, this bill also streamlines processes to address identified operational concerns raised by our agencies when responding to domestic and family violence. This includes:

- Amendments to the Births, Deaths and Marriages Registration Act 1995, to allow sole parents with appropriate Family Court orders to change their child's name; and
- Technical adjustments to requirements in relation to the service of apprehended violence orders.

As I have said, these reforms are not the end. We will continue to work with our expert domestic and family violence sector and people with lived expertise to monitor and build on our reforms, and continue the fight against domestic and family violence.

I now turn to the detail of the bill.

### **New aggravated breach offences**

I will start first with the two new offences that capture particularly serious forms of ADVO breaches and specifically target high-risk domestic violence offenders. These amendments are set out at schedule 1 item [4], and will be inserted into the Crimes (Domestic and Personal Violence) Act 2007.

Under this Act, there are two kinds of apprehended violence orders, or AVOs, which can impose prohibitions or restrictions on a person to protect other people. These include prohibitions on assaulting, threatening, stalking or intimidating the protected person, and limitations on where the person the subject of the AVO can go or restrictions on how they can contact the protected person. If the parties have a domestic relationship with each other, the order is an ADVO, and in other cases, it will be an apprehended personal violence order or APVO.

These reforms are targeted to combatting domestic and family violence, which is why these new offences specifically relate to ADVOs. The ADVO scheme is a key legislative tool to respond to domestic and family violence. In the 12 months to March 2024, over 39,000 ADVOs were made.

It is already a criminal offence to breach an ADVO. Under section 14, subsection (1) of the Crimes (Domestic and Personal Violence) Act 2007, a person who knowingly contravenes an ADVO is guilty of a criminal offence and faces a maximum penalty of two years imprisonment, a fine of 50 penalty units, which is \$5,500, or both.

However, some conduct is so serious that it warrants a different approach, especially where the breach of an ADVO is intentionally intimidating or threatening, which can seriously risk the safety of the protected person.

This is why the bill introduces two new, aggravated offences for breaching ADVOs, with higher maximum penalties, to make sure that our criminal law can better differentiate between breaches and recognise that some are more serious. These offences are modelled in part on comparable offences in Victoria, under their Family Violence Protection Act 2008.

The first offence will be inserted as proposed section 14, subsection (1A), which covers breach of an ADVO with intent. It has two elements.

First, it requires that a person knowingly contravened a prohibition or restriction in an ADVO made against them. This aligns with the existing standard breach offence.

Second, the offence also requires that the person intends to cause physical or mental harm to the person protected by the ADVO, or for the protected person to fear for their safety or the safety of another person. Proposed section 14 subsection (1B) paragraph (a) provides that a person is taken to intend the victim to be harmed or feel fear if they know that such harm or fear is likely.

- This mental element is the differentiating factor for this offence. It recognises that when you breach a court order with the intent to harm someone or make them scared, such conduct is extremely serious and potentially dangerous.
- The drafting of the mental element is aligned with the existing offence of stalking or intimidation, and similarly the bill provides at proposed section 14 subsection (1B) paragraph (b) that the prosecution does not have to prove that the accused person actually caused the victim to be harmed or feel fear.

The maximum penalty for the intentional breach offence is three years imprisonment, 100 penalty units, which is \$11,000, or both.

The second offence will be inserted as proposed section 14 subsection (1C), which covers persistent breach of an ADVO. It has three elements.

First, it requires that a person knowingly contravened a prohibition or restriction in an ADVO made against them. Again, this aligns with the existing standard breach offence.

Second, it requires that the person also knowingly breached their ADVO two or more times within the previous 28-day period. In combination with the first element, the offence therefore requires three or more breaches of an ADVO in the 28-day period.

- Multiple breaches of an ADVO within a short period of time is evidence of a disregard for the law and the orders of the court, and can indicate a higher risk of harm to the protected person. Rapid, frequent and ongoing breaches of an ADVO comprise a course of abusive conduct which represents a heightened level of risk. It is entirely appropriate for the criminal law to recognise this by imposing a higher maximum penalty than the penalty for the existing standard, basic breach offence.
- The offence of persistent breach will be able to capture breaches in relation to:
  - the same protected person, whether under one ADVO or multiple orders; or
  - one ADVO that protects multiple people, even if the breaches are not in relation to the same person; or
  - ADVOs made against the accused person arising from the same application, such as a police-issued provisional order or an interim court order, whether or not in relation to the same protected person.

The third element of the persistent breach offence is that a reasonable person must consider that the conduct would be likely, in all the circumstances, to cause the protected person physical or mental harm, or to fear for the safety of the protected person or another person. This element does not require proof that the harm or fear was in fact caused.

- This is an objective assessment, based on community standards, of how serious the accused person's conduct is and its likely impact on the victim.
- Importantly, this "reasonable person" test applies to the breaches collectively. This ensures that individual breaches, which on their own might appear minor, are considered in the context of the overall course of conduct in question.
- The reasonable person test ensures this offence is targeted to this kind of serious conduct, and distinguishes multiple minor technical breaches from the kind of breaches that signal an ongoing campaign of abuse designed to hurt and scare victims.

The maximum penalty for the persistent breach offence is five years imprisonment, 150 penalty units, which is \$16,500, or both. This will make it the most serious of the offences for breaching an ADVO.

I want to stress that for the persistent breach offence, there is no requirement for each breach to have been separately reported or charged by police at the time it occurs. We know that victims of domestic abuse often face difficult choices, and may not always go to police in the first instance. There is no barrier to this offence applying where, for example, a protected person presents to police and reports multiple breaches that have occurred over the required time period.

Similarly, while the offence focuses on a 28-day period, there is no barrier to charging this offence multiple times for consecutive 28-day periods, in cases where persistent breaching occurs over an extended period of time.

Finally on ADVOs, I will quickly touch on some procedural aspects shared by both offences:

- First, schedule 2.3 item [4] lists both of these offences in table 2 of schedule 1 to the Criminal Procedure Act 1986. This means these new offences will be dealt with summarily in the Local Court, unless the prosecution elects to have it dealt with on indictment in the District Court.
- Second, the bill also provides at proposed section 14 subsection (1D) that the standard breach offence is a statutory alternative to the intentional breach offence, and at subsection (1E) that both the standard and intentional breach offences are statutory alternatives to the persistent breach offence. This means that if the court, or a jury, is not satisfied of the more serious offence, but is satisfied that the person has committed one of the alternative offences, they can be found guilty of that alternative.
- Third, section 10C of the Crimes Act 1900, which applies to all criminal offences, will also apply to these offences. This provision extends criminal liability to conduct occurring outside New South Wales that has a geographical nexus with New South Wales. This includes where an offence is committed wholly or partly in New South Wales, or where the offence is committed wholly outside New South Wales, but has an effect in New South Wales. This is particularly relevant for the persistent breach offence, which deals with a course of conduct over a time period.
- Finally, the transitional provisions at schedule 1 item [19] provide that these aggravated breach offences will apply prospectively to breaches occurring on or after the commencement of the offence, regardless of when the ADVO was made.

### **Serious domestic abuse prevention orders**

I turn now to the second major reform in this bill, which is the "serious domestic abuse prevention order" scheme, contained in schedule 1 item [17] to this bill. I shall refer to these as "abuse prevention orders".

These proposed abuse prevention orders are modelled on the "serious crime prevention orders" under the Crimes (Serious Crime Prevention Orders) Act 2016, which respond to serious and organised crime. This reform reflects our determination to ensure that domestic abuse is treated as seriously as other criminal acts, like organised crime.

Adaptations have been made to ensure these new "abuse prevention orders" are tailored to the domestic and family violence context. They will be another tool in the toolkit of our law enforcement agencies. Abuse prevention orders will complement the ADVO regime, as a more serious order that will enable greater police supervision and monitoring.

Under proposed section 87B subsection (1), abuse prevention orders can be made by an appropriate court on application by the Commissioner of Police or the Director of Public Prosecutions, if the court is satisfied of three criteria.

First, prevention orders can only be sought against a person who is over 18 years of age. This is an important safeguard, given the significant imposition that these orders may have on a person.

Second, the court must be satisfied that the person is eligible for a prevention order, on the basis of either convictions or charges occurring within the last 10 years, which occurred when the person was at least 16 years of age.

For a prevention order to be made on the basis of convictions, the threshold will be whether the person has had two or more convictions for domestic violence offences with a maximum penalty of seven years or more.

- "Domestic violence offence" is a term defined in section 11 of the Crimes (Domestic and Personal Violence) Act 2007, and covers a number of prescribed offences when committed by one person against another person with whom they are in a domestic relationship. It also includes a catch-all provision, so that any offence can be considered a domestic violence offence if the conduct constitutes "domestic abuse", as defined in section 6A of the Act.
- The seven-year threshold for these offences would include, for example, the offence of coercive control, reckless grievous bodily harm or serious non-fatal strangulation offences.
- The appropriate court for orders made on the basis of convictions will be the Local Court.

For a prevention order to be made on the basis of charges, the eligibility threshold will be where the person has been charged with a "serious domestic violence offence", regardless of whether the person has been tried, acquitted or convicted, and including where a conviction is quashed or set aside.

- "Serious domestic violence offence" is defined under proposed section 87A as offences under part 3 of the Crimes Act committed against a current or former intimate partner or a family member, which carry maximum penalties of 14 years or more, or offences of another jurisdiction which are similar to such offences.
- "Intimate partner" is also defined under proposed section 87A as those who are married, de facto partners within the meaning of section 21C of the Interpretation Act 1987, and those in an intimate personal relationship with one another, whether or not it is sexual in nature.
- This definition incorporates current and former intimate partners, and it mirrors the definitions in section 54C of the Crimes Act 1900 for the coercive control offence and section 4 of the Bail Act 2013, both of which commenced on 1 July this year. It is also aligned to the existing provisions in section 5, subsection (1), paragraphs (a), (b) and (c) of the Crimes (Domestic and Personal Violence) Act 2007, which defines "domestic relationship".
- Family member is defined under proposed section 87A to include relatives as defined under section 6 of the Crimes (Domestic and Personal Violence) Act 2007, and, in the case of Aboriginal and Torres Strait Islander people, those connected as extended family or kin according to the Indigenous kinship system of the person's culture.
- The appropriate court for orders made on this basis will be the Supreme Court.

The third requirement for making a prevention order is that there are reasonable grounds to believe that making the order would protect former, current or potential intimate partners of the person, or people who that intimate partner has a domestic relationship with, or family members of the person, by preventing the person engaging in domestic abuse.

- "Domestic abuse" is already defined under section 6A of the Crimes (Domestic and Personal Violence) Act 2007, and it covers behaviour by a person towards another person which is violent or threatening, which coerces or controls them, or which causes them to fear for their safety or wellbeing or that of others.
- This is a flexible definition, which reflects our understanding that the behaviours used by abusers will differ depending on the circumstances, and may not be limited to conventional notions of physical violence.

I want to highlight that this third element for making an abuse prevention order is one of the key differentiating factors from the ADVO framework.

- Abuse prevention orders aim to protect a wider section of the community through, among other things, a consideration of risk to potential future intimate partners of a person. In contrast, ADVOs are targeted to protect specific persons who are already known and connected to the perpetrator.
- This future-focused approach goes to the intent of this scheme, which is to target high-risk domestic violence offenders because of the risk they pose to the community at large, and to people who may, in the future, become connected to the perpetrator.
- The scheme explicitly includes people who are connected to intimate partners in a domestic relationship, because we know that perpetrators can seek to target their primary victim's support network as well to establish and entrench their domination and control.
- "Family members" are also included as a cohort whose protection ought to be considered. As the Domestic Violence Death Review Team's most recent report has highlighted, almost 35 per cent of domestic violence homicides involved either filicides, or the death of a child by a parent, or deaths caused by relatives or kin.

Additionally, when considering an application, proposed section 87B subsection (6) requires the court to have regard to the views of relevant people connected to the person who the order is sought against, namely their family members, former or current intimate partners or persons in a domestic relationship with such intimate partners, if these views are available to the court.

- This may be in the form of appearing before the court to provide evidence as a witness, or in other forms, such as written statements put before the court in proceedings.
- This provision is similar in intent to the reforms passed to the Bail Act 2013 earlier this year, which require the views of victims and their family to be taken into account in all bail decisions for intimate partner domestic violence offences as part of an assessment of bail concerns.
- While the court must have regard to these views, they are not determinative. The core question for the court remains whether or not there are reasonable grounds to believe the order will prevent the person from engaging in domestic abuse.

If the court makes an abuse prevention order, proposed section 87C provides that the court may impose any condition it considers appropriate to prevent the person from engaging in domestic abuse. This might include positive obligations, or requirements to do certain actions, which also differs from ADVOs, where conditions can only impose restrictions or prohibitions on engaging in certain actions.

By way of example, some conditions that might be sought under an abuse prevention order could include:

- a requirement to report to a police station at certain times;
- a requirement to notify authorities, such as police, when the offender changes their address;
- a requirement to notify authorities, such as police, when the offender commences an intimate partner relationship;
- a restriction or prohibition on the use of social media, including dating applications, or a requirement to notify police of such use;
- a requirement that the person give authorities, such as police, information or assistance reasonable and necessary to enable them to access data, such as a password or PIN to unlock a digital device;
- a prohibition on the purchase or use of tracking devices and applications.

The legislation is intentionally open ended, and it does not impose standard or mandatory conditions that ought to be part of every order. This is because of how these orders are intended to be used—they will be tailored to high-risk offenders and the offender's specific behaviour patterns. This approach aligns with the existing operation of serious crime prevention orders responding to organised crime.

While there is flexibility in the conditions that can be imposed, there are prohibitions on imposing certain kinds of conditions, as set out under proposed section 87C subsection (2).

- These include a prohibition on an abuse prevention order requiring a person to answer questions or provide information orally, or answer questions or provide information which is privileged or otherwise cannot ordinarily be disclosed.

Similarly, if information is provided in compliance with a requirement under a prevention order, proposed section 87C subsection (3) provides that such information is not admissible as evidence, except for proceedings for breach of a prevention order, or when adduced by the defendant.

These requirements are aligned to the limitations on serious crime prevention orders in the Crimes (Serious Crime Prevention Orders) Act 2016. They reflect important safeguards for civil liberties and fundamental justice principles, such as the privilege against self-incrimination.

In addition to the conditions imposed by an abuse prevention order, schedules 2.5 and 2.6 will amend the Firearms Act 1996 and the Weapons Prohibition Act 1998 respectively to ensure the making of an abuse prevention order has the same effect as a final AVO. This includes automatic revocation of a firearms license or prohibited weapons permit.

Under proposed section 87D, the duration of a prevention order is determined by the court, with a maximum duration of five years. However, subsection (3) makes clear there is no barrier to the court making further prevention orders against the same person, which would need to be sought through a fresh application.

It will be an offence to knowingly contravene a prevention order under proposed section 87E. This offence will carry a maximum penalty of five years imprisonment, 300 penalty units, which is \$33,000, or both. To be guilty of the offence, the person must have been served with a copy of the order, or been in court when it was made.

Schedule 2.3 item [3] to the bill lists this offence in table 1 of schedule 1 to the Criminal Procedure Act 1986, meaning it is to be dealt with summarily in the Local Court unless the prosecution or accused elects for it to be dealt with on indictment in the District Court.

I turn now to some procedural provisions.

- Under proposed section 87G, abuse prevention orders may be varied or revoked on application by any of the parties, if there has been a substantial change in the relevant circumstances. In determining a variation or revocation application, the court must:
  - allow the parties to be heard,
  - consider the same factors that must be considered in the making of an abuse prevention order, and
  - have regard to the views of the defendant's family members, their current or former intimate partners, or persons in a domestic relationship with such partners.
- Decisions in abuse prevention order proceedings may be appealed, in accordance with proposed section 87F. Local Court decisions will be appealed to the Supreme Court, and Supreme Court decisions will be appealed to the Court of Appeal. If appealed, proposed subsections (6), (7) and (8) make clear that the abuse prevention order is only stayed by a decision of the court, if satisfied that it is safe to do so and having regard to the need to prevent the defendant from engaging in domestic abuse.
- Proposed section 87 J makes clear that proceedings relating to abuse prevention orders are civil proceedings, except for criminal proceedings for breaches of such orders. This means the relevant standard of proof is the balance of probabilities, and the rules of evidence that apply to civil proceedings will apply in abuse prevention order proceedings.

Schedule 1 items [8] to [16] and schedule 2.3 items [1] and [2] also make consequential amendments to extend the procedural protections which currently apply for certain people who appear in AVO proceedings to also apply in abuse prevention order proceedings. These protections include, for example, closing the court or having the presence of a support person when the person gives evidence.

Finally, I want to highlight some provisions relating to how abuse prevention orders will interact with AVOs. These will be able to operate concurrently because, as I have mentioned, an AVO aims to protect a specific person or persons, with terms tailored to those circumstances, whereas an abuse prevention order is focused on the risk that the perpetrator may pose to a general class of people in the community.

- Proposed section 87H provides that, when making an abuse prevention order, the court has the power to vary, alter or revoke as necessary an existing AVO if satisfied in all the circumstances that it is proper to do so. This is to ensure consistency and alignment between orders. If such a variation or revocation occurs, the AVO will need to be served, as is the case currently for standalone AVO variations or revocations.
- As this scheme is being inserted into the Crimes (Domestic and Personal Violence) Act 2007, the existing powers to vary parenting orders for the same reasons, under section 68R of the Commonwealth's Family Law Act 1975, will also extend to the abuse prevention order scheme.
- To facilitate the court's exercise of these powers, proposed section 87B subsection (2) requires the applicant to provide to the court with details of any AVOs in force against the person, and any orders under the Commonwealth Family Law Act of which the applicant is aware. This is to assist the court with the exercise of its powers to vary such orders.
- In the event of an inconsistency with an AVO, proposed section 87I provides that the abuse prevention order will prevail to the extent of the inconsistency. This means the prevention order will only override the AVO where specific conditions cannot be complied with at the same time, and both will continue to be in force.

#### **Amended definition of "stalking"**

Next, I turn to the amendments to the definition of "stalking" in the Crimes (Domestic and Personal Violence) Act 2007. Schedule 1 item [3] clarifies that the definition of "stalking" explicitly includes the monitoring or tracking of a person's activities, communications or movements:

- whether by using technology or in another way, and
- whether or not the monitoring or tracking involves contacting or approaching the victim.

This amendment reflects the fact that electronic surveillance in the domestic and family violence context may cause the victim to feel fear or be harmed in the same way that "in person" conduct does, noting that in person conduct is already covered by the existing definition.

This also reflects the findings of the 2024 NSW Crime Commission's report in "Project Hakea", which found that there is frequent use of tracking devices by domestic and family violence perpetrators.

This amendment means that technology-facilitated tracking or monitoring conduct will be captured in three ways by the Crimes (Domestic and Personal Violence) Act 2007.

First, the conduct would be covered by the existing offence of stalking and intimidation under section 13. This means that where a perpetrator engages in this kind of technology-facilitated tracking or monitoring, and they have an intention to cause the victim to fear physical or mental harm or knowledge that such fear is likely because of this conduct, they will be committing a criminal offence.

Second, technology-facilitated tracking or monitoring would also be able to form the basis for the making of an AVO under sections 16 or 19, if a court is satisfied on the balance of probabilities that:

- a person has reasonable grounds to fear and in fact fears that the defendant will engage in conduct that stalks the person, and
- the conduct is, in the opinion of the court, sufficient to warrant the making of an order.

Finally, this amendment would also expand the mandatory prohibitions taken to be part of every AVO. Under section 36 subsection (2) paragraph (b), a defendant must not stalk the protected person or a person they have a domestic relationship with. This will now expressly mean that a person subject to an AVO cannot use technology-facilitated tracking or monitoring against the protected person. As I have already noted earlier in this speech, breaching an AVO is a criminal offence.

#### **Streamlining service**

The bill also makes changes under schedule 1 item [7] to streamline requirements for the service of AVOs. Service is an important component of the AVO framework, because a person cannot be found guilty of breaching an AVO if it has not been served in accordance with the Act.

The first amendment, under proposed section 31 subsection (3), will enable electronic service of a provisional AVO. Police ordinarily issue provisional AVOs when responding to an incident to provide immediate protection.

- Currently, a police officer is required to personally serve a provisional AVO on a defendant as soon as practicable after it is made. This has sometimes involved having to detain a defendant in place, or bring them back to the police station, to have a physical copy of the AVO made and given to a defendant. A protected person must also be served with the order, unless it is impractical to do so.
- This amendment means that electronic service will now be able to occur through means such as email. However, it will only be available where the person has consented, and the police officer has explained the effect of the AVO, the consequences for breaching it, and the person's rights in relation to the order. The matters to be explained are aligned to what the court currently must explain when making an AVO, as set out in section 76 of the Crimes (Domestic and Personal Violence) Act 2007.

The second amendment clarifies the service requirements that apply when provisional AVOs are converted into interim or final AVOs. Proposed section 32 makes clear that when a provisional order first returns to court:

- the court may dismiss the application for a court AVO, revoke the provisional AVO, or actively make an interim or final AVO, with or without variation;
- if the court does none of those things, the provisional order is deemed to have become an interim court order in the same terms as the provisional order; and
- further service of the order is required only where the defendant is not at court and either:
  - the provisional AVO was unserved; or
  - the court chooses to make an interim order, with variations to the provisional order; or
  - the court chooses to make a final AVO, rather than an interim court order, with or without variations.

Proposed section 32 subsection (3) notes that where a new order is made by the court, the provisional order is revoked either on the making of the order, if service is not required, or on service if it is required. This clarifying provision ensures that the provisional order will not cease until the interim or final order is in force, which means victim-survivors retain ongoing protection of an AVO while service is being effected.

#### **Supporting changes for bail and electronic monitoring**

As I mentioned earlier, this bill also supports the implementation of reforms contained in the recent Bail and Other Legislation Amendment (Domestic Violence) Act 2024 relating to electronic monitoring and removing registrars as bail decision-makers.

Following the tragic death of Molly Ticehurst, there was significant community concern surrounding the appropriateness of registrars making bail decisions. These concerns were heard by the Government and new section 70A of the Bail Act 2013 was introduced which ensures that bail decisions will be made by magistrates or judges.

Operationally, this will require increased use of AVL to allow accused persons to access a magistrate or judge, especially in the regions.

Currently, the Evidence (Audio and Audio Visual Links) Act 1998 requires that, for first appearance bail proceedings, the accused must appear in court in person unless an exception applies, the parties consent, or the court otherwise directs. Section 5BA of that Act lists the available exceptions to this rule, which includes where the bail hearing is on a weekend, public holiday or other time period specified in the Act or where it occurs at a location exempted by regulation.

Schedule 2.4 item [3] to the bill adds another exception to this list, which allows an accused to appear via AVL in first-appearance bail proceedings where a magistrate is not available at the location at which the accused would otherwise appear. This exception is required to support the implementation of the reform to remove registrars as bail decision-makers, particularly in some regional areas where there are no permanently sitting magistrates.

The Bail and Other Legislation Amendment (Domestic Violence) Act 2024 also introduced a new regime of electronic monitoring for people granted bail for serious domestic violence offences.

New section 28B of the Bail Act 2013 requires that, where a person is granted bail for a serious domestic violence offence, the bail authority must impose a bail condition requiring that the accused be subject to electronic monitoring unless sufficient reasons in the interests of justice exist not to do so.

Schedule 2.1 item [1] to the bill clarifies that, where a person has been granted bail and is subject to electronic monitoring under this provision, they must not be released from custody until an electronic monitoring device has been fitted.

#### **Name changes by victim-survivor parents**

I now turn to the amendment to the Births, Deaths and Marriages Registration Act 1995 to allow sole parents with appropriate Family Court orders to change their child's name. This amendment is set out at schedule 2.2. Both parents' approval is generally required to change a child's name. A sole parent may change their child's name in very limited circumstances. Under current section 28 (3) of the Act, a sole parent can change their child's name if they are the sole parent named in the registration of the child's birth, there is no other surviving parent, or a court approves the proposed change of name. However, a sole parent with a parenting order granting them sole responsibility for their child's name can't apply to change the child's name unless the order approves a specific new name.

This poses a safety risk to some victim-survivors of domestic violence who want to change their child's name. Even if the Family Court has made a parenting order that it is in the child's best interests that one parent has sole parental responsibility to make decisions about the child's name, that parent would still need the consent of the other parent, who may be a perpetrator, or a further court order approving the proposed name change. Requiring that parent to obtain a further court order is an unnecessary obstacle and may increase risk by making the applicants' details accessible to the perpetrator or revealing the child's new name.

The amendment would allow a sole parent to change their child's name where they have sole responsibility under a final parenting order made under the Family Law Act 1975 to make decisions about major long-term issues or the child's name. This means that a separate court order approving the specific name change would not be required. The amendment retains judicial oversight over when a sole parent has the authority to change their child's name, without requiring the court to approve a specific name.

This amendment will bring New South Wales into alignment with the legislative frameworks for changing a child's name in Queensland and the Australian Capital Territory, which do not require a court to approve a specific name if a parent has been granted appropriate parenting orders under the Family Law Act.

#### **Commencement and statutory review**

Finally, I note that under clause 2 of the bill, the amendments in schedules 1 [3], 2.1, 2.2 and 2.4 to the bill will commence on the earlier of 1 December 2024 or another day or days appointed by proclamation. These schedules contain amendments to the definition of "stalking" under the Crimes (Domestic and Personal Violence) Act 2007; Bail and Other Legislation Amendment (Domestic Violence) Act 2024 in relation to electronic monitoring; Births, Deaths and Marriages Registration Act 1995 in relation to applications to register a change to a child's name; and Evidence (Audio and Audio Visual Links) Act 1998 in relation to AVL arrangements for bail hearings.

The remainder of the provisions in the bill contained will commence at a future date by proclamation. This is for two reasons.

- First, some of these changes, such as the abuse prevention order scheme, are novel and break new ground in New South Wales for how the justice system can respond to domestic and family violence. We want to make sure that we are doing this right, so time is needed for training and education for justice agencies. Training is absolutely critical given the challenging and often nuanced nature of domestic and family violence.
- Second, these reforms will have impacts on the operating systems of the justice system, and time is needed to make necessary updates to these and other operating procedures.

We know how urgent it is to respond to domestic and family violence, and we are committed to commencing the new provisions as swiftly as possible.

Schedule 1 item [18] to the bill provides for a statutory review of the substantive reforms 12 months after commencement. The review includes the new breach ADVO offences and the abuse prevention order scheme. A report is to be tabled in Parliament within six months of the review commencing. This ensures that a timely review can be conducted once we have the benefit of seeing how these amendments operate in practice.

It is expected that the review will consider, among other things:

- the penalties received for breaching ADVOs and abuse prevention orders;
- whether the 28-day time period for the persistent breach of ADVO offence remains appropriate;
- whether the eligibility and scope of abuse prevention orders is wide enough; and
- the impact of these reforms on certain parts of our community, including on First Nations people and communities.

Other reviews, such as those for the offence of coercive control required under section 54J of the Crimes Act 1900, will also consider some of these reforms insofar as they interact with the coercive control offence.

### **Conclusion**

This bill is the next step in an ongoing reform journey. It provides important additions to the legislative tools available to tackle high-risk perpetrators of domestic and family violence, allowing for more tailored responses to better hold perpetrators to account.

But there will always be further work to be done to guard against domestic and family violence. We know that there are no easy solutions or one single fix that we can implement—if there was, it would have been done long ago.

I look forward to the opportunity to continue to work with other members in this place and the other place, with our critical first responders, with experts in the domestic and family violence service sector, and with victim-survivors, in moving forward to a world where domestic and family violence truly becomes a rarity.

I commend the bill to the House.

## **Second Reading Debate**

**The Hon. SUSAN CARTER (20:31):** I contribute to debate on the Crimes (Domestic and Personal Violence) and Other Legislation Amendment Bill 2024 on behalf of the Coalition. I indicate at the outset that the Coalition will be supporting the bill. Domestic violence is such an important issue in our society that any sensible measures to engage with it should receive bipartisan support. In that spirit, Coalition members will be supporting the legislation. The provisions of the bill have been well outlined in the Minister's second reading speech and I have no intention of rehashing the details. The Opposition welcomes the improved definition of stalking, which will better capture the way in which technology is used to stalk and intimidate domestic partners. The Opposition also welcome the provisions that will allow, in limited circumstances, sole parents to change a child's name without the other parent's knowledge or consent. The changes, if and when they are implemented, will make a difference to the protection of the vulnerable in our State.

The bill has been described by the Government as another part of its legislative program to address domestic violence, but what a disappointing program that has been. Rather, the Government has been active in producing legislation but, disappointingly, it seems to lack any program to actually ensure that the legislation commences and is implemented to foster safety for women. The Government has made announcement after announcement and has put up bill after bill but shows absolutely no commitment and appears not to have any concrete plan to put its words into action and make real changes to protect the vulnerable.

Again, it presents another bill covering very important subject matter but without a commencement date for the totality of the bill other than the never-never of proclamation at some time in the future. It is as if the Attorney General and the Government, rather than claiming to be Austinian positivists or Scalia originalists, are Gilbert and Sullivan Ko-Koists. When Ko-Ko has to explain to the Mikado why Nanki-Poo, whose execution had been ordered and reported, is still actually alive, Ko-Ko says:

It's like this: When your Majesty says, "Let a thing be done," it's as good as done—practically, it is done—because your Majesty's will is law. Your Majesty says, "Kill a gentleman," and a gentleman is told off to be killed. Consequently, that gentleman is as good as dead—practically, he is dead—and if he is dead, why not say so?

The Mikado replies:

I see. Nothing could possibly be more satisfactory.

Are we to believe that, when this Attorney General introduces a bill or this Government enacts legislation, "it's as good as done" and no implementation is required? Unfortunately for this Government, and for the women of New South Wales, we do not live in the land of musical theatre. We live in the real world and we expect the Government to govern. We are looking for more than words. We are looking for implementation and follow-through. We are looking for action to protect women—the action that we have not seen in relation to the Bail and Other Legislation Amendment (Domestic Violence) Act 2024.

That Act, passed by this House on the anniversary of D-day this year, was sadly not the springboard for the sort of positive action of 60 years earlier. The Act, the Government's direct response to the sad circumstances of the death of Molly Ticehurst, made three main changes designed to protect women: It tightened the bail threshold, it mandated electronic monitoring for those accused of serious domestic violence but who are granted bail, and it required bail decisions to be made by magistrates rather than registrars. However, only one of those three key changes has been introduced, the changes to the bail threshold. We are still waiting for the implementation of the other changes.

This bill will assist with that task. It will amend the earlier legislation so that first-instance bail matters may be heard by audiovisual link rather than in person. It also requires any accused granted bail, subject to electronic monitoring, must first be fitted with that electronic monitoring before release. The Coalition welcomes those changes, which will hopefully expedite the proclamation and operation of the earlier Act. However, the fact that the bail legislation needs to be fixed by this legislation only four months after its introduction is a clear indication that this Government is not thinking carefully about the critically important issue of women's safety. It is not doing the work to get it right but is delaying implementation until it can perform running repairs so that the laws are fit for purpose. Women facing domestic violence deserve the respect of this Government, which means that it thinks about the issues properly and get the legislation right the first time so it can operate promptly.

The changes are even more perplexing when considered against the background of testimony at budget estimates. The Opposition asked the police Minister, the Minister for Corrections, the Minister for Women and the Attorney General what was happening about the implementation of the bail legislation. We heard lots of buck-passing to other Ministers. We heard about working groups, taskforces and Cabinet Office oversight. We heard "maybe September" and "maybe October", but not once did we hear that the bail legislation changes could not commence fully until they were fixed by the bill that is before the House today.

That leaves three possibilities. The first is that the Attorney General was unaware of the problems in his own legislation that needed to be fixed before it could be proclaimed. The second is that he was aware but was unwilling to disclose it at estimates as the reason for the delay in introducing measures to protect women's safety. The third possibility is the most frightening of all: No-one in the Government actually realised that the problems existed until the Coalition started asking about the delay in implementation. Not one of those options give the women of New South Wales confidence that they are being respected and that their safety is a priority for this Government. This Government stands condemned by its own impotence.

The more we look at this program of the Government, the more we see that it is held together by sticky tape and chewing gum, and it can hardly be regarded as a serious attempt to address one of the most important social issues of our time. The bill before the House makes an important statement about the seriousness of breach of aggregated domestic violence orders [ADVO] and creates two new aggravated offences, each with a much higher penalty. All members know that the ADVO is not necessarily protective. It is a sobering statistic that 22.5 per cent of all intimate partner homicides from 2021 to 2023 were committed with an ADVO in place. The Opposition supports any attempt to make them work better and be treated more seriously. That includes the introduction of the new section 14 (1A) and (1C). The Opposition hopes that stronger penalties send a stronger message to those who might otherwise be tempted to commit domestic violence, because a penalty, no matter how high, awarded after an assault or after death is hardly an indicator of success.

But, to be educative, these higher penalties must be awarded and must be seen to be on the table. This is why it is surprising that these new aggravated offences have both been created as table 2 offences. This means that, unless the prosecutor elects to proceed by way of indictment, they will be heard in the Local Court, where the maximum penalty is not the three years of new section 14 (1A) or the five years of section 14 (1C), but rather the existing two-year maximum. The Government did a very similar thing in relation to knife crime in June last year. It doubled penalties but left matters to be tried summarily in the Local Court.

What has been the outcome? In the year since the legislation has been in effect, there has not been one single case in which the higher penalties have even been sought, let alone awarded. In budget estimate hearings and in repeated press releases, the Attorney General stated, "This legislation about knife crime sends an important message." What message is being sent if the penalties are never sought and never awarded? Does the

Attorney General believe that possible offenders are scanning his press releases for new laws and moderating their behaviour accordingly? The Bureau of Crime Statistics and Research stats suggest that they are not, with a sad rise in homicide by knife since the introduction of these laws.

It appears that the Gilbert and Sullivan theory of jurisprudence, where the emperor says a thing and it as good as happens, does not in fact work in the real world after all. We view with hope, but also considerable trepidation, the prospect that these new offences will have a moderating effect on domestic violence, especially since they have been structured in such a way to make it unlikely that the new higher penalties will ever be awarded. The last major reform introduced by this bill is the introduction of a civil protection order scheme for serious domestic abuse. These orders are modelled on serious crime prevention orders. Unlike apprehended domestic violence orders, they can operate prospectively and positively to address the behaviour of the person of concern rather than being targeted at the protection of a particular person at risk of abuse. Novelty, they can be made for the protection of future partners not in existence or contemplation at the time the order is made.

There are critics of the serious crime prevention orders, just as we anticipate there will be critics of these orders, from the perspective of the infringement of civil liberties. However, if they are effective to protect the personal safety of women and children, then that may be a price worth paying. There is certainly evidence of the success of serious crime prevention orders, but this is not simply because of the order being made. It is because of the way in which these orders have been resourced. Will we see a domestic violence version of Strike Force Raptor ready to enforce these orders? If we do not have comparable resourcing, and if the law is not implemented rather than simply being made, how confident can we be that women will be protected? Let us all hope that this measure will, in fact, be properly resourced and will work. It is increasingly hard to maintain hope when we see that breach of these orders is also a table 1 offence and, unless a decision is made to proceed by way of indictment, the maximum penalty will be two years, not the legislated five.

I worry that women are being gaslit by this Government. They are told they will be safe. They are told that these laws will protect them. But then, as we saw with the bail laws, these laws are not actually ever implemented. It is just like Jack's law: promises, promises, but not a single purchase order for a single wand. When will the changes promised by this legislation commence? We do not know. It is by proclamation, and that is simply not good enough. New South Wales women deserve more. We deserve respect and an end to the gaslighting and fanciful jurisprudence that says passing a law is the same as implementing a law. We need a timeline and a real commitment to resourcing to ensure that this initiative has the best chance of truly protecting women. That is why I indicate that I will be moving an amendment on behalf of the Coalition to lock in a definite time frame for the commencement of the entirety of this law which is designed to provide women with the protection that we need.

**Ms ABIGAIL BOYD (20:43):** I indicate that The Greens support this bill. I am going to say something that I say very rarely in this place: This is a good bill. As the domestic violence and abuse spokesperson for The Greens, I have seen so much legislation come through this place that is a kneejerk reaction to whatever happens to be in the news that day. The last bill brought in on this matter was the terrible bail bill, which was so poorly thought out. It was rushed, people did not like it and it really was not very good. What we have here, though, is legislation that has actually listened to the experts in the sector—Domestic Violence NSW and the rest of the sector—who are all wholly happy with what we have here. Thank goodness somebody is finally listening to the things we have asked for and not what the right-wing media has told the Premier to do. This is a positive step forward. I am really impressed with the bill. I thank the Attorney General's office for its detailed briefings and information, which have given us the confidence to believe that what we are seeing here is actually as good as it looks.

The bill has two new aggravated offences which have higher penalties for apprehended domestic violence order [ADVO] breaches. Victim-survivors and experts have been saying for a long time that ADVOs are not worth the paper they are written on if they are not enforced or taken seriously. There is a real culture between perpetrators who say, "It's fine mate. You just breach your ADVO, and it doesn't really matter. She'll go to the police but it's unlikely anything is ever going to happen." This is the first indication that we are actually going to start taking these things seriously. It brings us into line with Victoria, which has very similar provisions. As an alternative to the standard ADVO breach, a person can be charged with an ADVO breach with intent. That is where a person knowingly contravenes an ADVO with the intention of causing someone physical or mental harm or causing them to fear for their safety.

Finally, a person can be charged with persistent ADVO breach, where someone knowingly repeatedly contravenes an ADVO in circumstances where a reasonable person would know the behaviour would cause harm. A good example I like to use for this is the perpetrator who sends flowers to a victim-survivor who has an ADVO out against him. She may be at her workplace and receive some flowers from the perpetrator, or she might be at dinner or the pub with her friends and receive a drink from a bartender who says, "Some guy just bought this for you." These are a series of things which, on the face of it, look like the person is being really nice. "Oh, that's

lovely. He sent you flowers. Maybe he wants to make up with you." But, in the context of an ADVO, it is an incredibly sinister thing. This guy knows where you are, and he is sending you these things wherever you go. A reasonable person would see that they are doing that to menace this person.

This brings us into line with Victoria on those grounds. I think this is an obvious and good step to take to show that the Government understands how important it is—and, with time and training, the police will too. For the last five years, I have been banging on about coercive control. We can argue about the way the previous Government brought in the coercive control legislation. It is far from perfect and will not be used until we change it and make it fit for purpose. But what gives me hope is that the whole point of the campaign to get coercive control criminalised was to get people to properly understand that domestic violence is not just when a person physically hits somebody else; it needs to be understood as a system of abuse.

It is a pattern of behaviour designed to take away a person's autonomy, to control them and to make them fear, every minute, even without ever being physically hit, that this person is watching them and will come for them if they put a foot wrong. That is the pattern of behaviour that we know leads to 99 per cent of all domestic homicides. The bill looks at this sort of behaviour—persistent ADVO breaches with intent to cause fear and harm. That shows me that we finally have a government that is listening to what is at the heart of domestic abuse. That is really positive.

The bill also provides for a serious domestic abuse prevention order to be made against a person who seems to be a threat not only to the person they were in a relationship with but also to others within that victim-survivor's broader world. Again, this shows a true understanding of what these perpetrators are like. A serious domestic abuse prevention order may be made in two circumstances. The first involves a perpetrator who has been convicted of a number of domestic violence offences with a maximum penalty of seven years imprisonment or more, where the police feel there is a need to protect the victim-survivor and their immediate circle—their family, their children, and/or their current partner or potential partner. These are all people that we have seen these sorts of perpetrators harm in order to psychologically hurt the real target of their malicious actions. Again, this shows an understanding of when perpetrators of domestic violence are a danger to other people.

The second circumstance is where someone has been charged with a serious domestic violence offence, being an offence carrying a maximum prison sentence of 14 years or more, but not convicted. The police can request that the Supreme Court rely on that background as a ground for making a prevention order. They can submit that although the person may not have been found guilty in the past, there is a pattern of events and instances that led to those charges being laid. It is evidence of a person hellbent on getting their way with their partner or former partner. They are the type of people who go on to kill not only their former partner but also their former partner's children, new boyfriend or parents. There are many examples of this over the years. Unfortunately, it is not uncommon. Unlike civil protection orders to deal with organised crime or terrorism, where the argument is that the person's civil rights are being taken away to protect the broader society, the new serious domestic abuse prevention orders put a series of conditions onto a person so as to be able to keep a check on when they might be of danger to a particular group of identified people.

Again, this is smart legislating which properly understands the patterns of domestic abuse activity and coercive control. I have had the grim experience of reading all of the Domestic Violence Death Review Team reports. They set out what these patterns of behaviour are and what preceded these things happening. This bill is a direct response to that sort of research and evidence that has led us to this point where we can begin to prevent such homicides. Although The Greens are always cautious about civil liberties being taken away, we see this as a very different policy context, because it is a limited group being protected from the person. In the case of a person who has not been convicted of domestic violence offences before but has had a history of being charged with them, the provision allows a senior judge to look at those circumstances. It is not just a case of ticking a box and a prevention order will be made. It is looking at the circumstances and cleverly working out what needs to happen.

The new aggravated ADVO breach offences, and particularly the serious domestic abuse prevention orders, are game changers for New South Wales. The prevention order is novel. It is not found in other States. Higher penalties for ADVO breaches with intent or for persistent ADVO breaches are found in Victoria and other places, but serious domestic abuse prevention orders are novel. Anyone who watched me in budget estimates would have seen me banging on about the police not getting enough training in this area. I still do not think they are getting enough training. This legislation is going to push both the police and the judiciary to learn a little bit more about domestic violence behaviours. It is going to take time to train the police up on these new offences and this new prevention order. They will need training. The magistrates and the judges will need to be trained. These changes cannot be implemented tomorrow. If the legislation provided for the changes to take effect on the date of assent, I would be a little concerned because the police are certainly not in a position where they could, in an informed and steady manner, implement this new regime that quickly.

The Greens fully support the Government's proposal that it will not happen until proclamation. Typically, The Greens do not love it when things are not done at particular times. In the past, some legislation has been enacted but never proclaimed. We had that experience with the Modern Slavery Act. I do not want to see that happen. The Greens are cautious when it comes to giving the government of the day the discretion for proclamation. But for these two new ADVO breach offences and for this novel serious domestic abuse prevention order, it makes really good sense. Ask me again in a year if it has not been implemented by then, but I do not think that will happen. I am sure if I were to move an amendment to the bill at that time I would get the support of members opposite. I am not putting that as a threat to the Government, because I know that the Government is going to do the right thing and is trying to get this bill through.

I have covered the meaty part of the bill. There are a couple of additional things. There is an amendment to the definition of "stalking", which The Greens also support because the old-fashioned idea that stalking only occurs when someone is in another person's physical space or physically close to a person is very outdated. We need to better capture in the definition the use of technology-facilitated tracking devices, social media and all of the other GPS trackers and horrible means that perpetrators are now using to stalk their victim. We know there is a link between people who stalk and people who use coercive control and other types of behaviours to commit domestic abuse. The coercive control offence is not fit for purpose, for all of the reasons I have said on record many times. It needs to be amended, and it will be in due course. In the meantime, a lot of the offences that otherwise might meet a robust coercive control offence will need to be dealt with under the stalking provisions, and so it is really important that they are broadened to include all of the sophisticated, technology-based tracking systems and monitoring systems that are employed.

The Greens fully support that and would like to see that brought forward. From what I understand, that may be able to be implemented quickly. It is just a tweak to police systems and not as big a deal as the other major changes. The bill also contains amendments to the Births, Deaths and Marriages Registration Act. I had concerns when I first read this because of the broken links that exist between our State's child protection and family court systems, which is an absolute travesty that needs to be corrected.

In particular, in the parliamentary inquiry a couple of years back, people from the Department of Communities and Justice told us that they knew there were hundreds of children under protection orders in New South Wales who had been placed with the parent they deemed to be at risk from by the Family Court because the court had not taken that information from the department. That is incredibly concerning. Whenever I see anything where the States get involved in the Family Court and family law system, I have a good look. However, in these circumstances, the bill does not make that kind of significant change or do anything to make that situation worse.

Instead, in this situation the Family Court has given an order that a parent has pretty broad powers or at least the power to change the name of a child. In other States and Territories they could just get on with that. In New South Wales, because of the provision we are now getting rid of, the parent receiving that order nevertheless needs to consult with the other parent. In so doing, they let the cat out of the bag; they have to let them know exactly what the name of the child will be, thereby—in many cases—subverting the reason for changing the child's name in the first place. On that basis, it is a pretty technical amendment, which The Greens support.

The first of the final two changes I will mention is the exception to the requirement that the accused person must appear in person for first appearance bail matters to enable audiovisual link access. That comes out of the previous, poorly thought out and drafted bill that was rushed through by this Parliament. I am not surprised that it needed to be changed after the event. That is fine; it has been done now. The other change is about adjusting the technical requirements for the service of apprehended violence orders [AVOs]. It effectively allows the police, instead of needing to drag someone into the station to serve them the AVO, to instead, with the person's consent, give them an AVO by email. That seems incredibly sensible in this day and age, particularly in regional and remote areas where people do not have the time or inclination to travel a couple of hours to their nearest station in order to be given an AVO that they could be given by email.

I have cantered through all the changes in the bill. It is not going to solve everything. What I like about the bill is that it shows a change in attitude. It shows that this Government not only finally understands a bit more about coercive control but is also listening to some of the longstanding asks of the sector. It is finally introducing legislation that is well thought out and not a kneejerk reaction, and that is to be commended. I am glad we have got to that stage. I am not saying that will apply to every bill that is introduced but, for this one, I am giving it—

**The Hon. Daniel Mookhey:** Nine out of 10?

**Ms ABIGAIL BOYD:** No, eight out of 10. I conclude by saying that, as with everything related to using the criminal law to try to solve the domestic and family violence crisis in New South Wales, the bill is but one small piece of the puzzle. We all know that. It is not particularly cheap; we still have to pay for training and some

technical and other things. Of the things a government can do to make a difference to domestic and family violence in New South Wales, passing a change to a law is one of the cheapest. What would make a far greater difference and go a lot further towards keeping women and children in this country and State safe is investing what is needed in frontline services.

I cannot say it enough: We have been funding our frontline services in New South Wales to a level that is one-half to two-thirds of what they have in Victoria. The results are already quite stark when we look at the trajectory that Victoria seems to be on—fingers crossed—versus where New South Wales is. It is just a product of properly funding the people who make the difference on the ground. If a person wanting to flee domestic and family violence goes to the police or their local refuge or service and gets turned away, and something happens to that person, that is on the government of the day. I appreciate that the Labor Government has inherited a big mess and a lot of financial woes from the previous Government. But it is now on this Government to fund frontline services to an extent that they turn nobody away. Until it does that, it does not matter what changes it passes to the Crimes Act or the Crimes (Domestic and Personal Violence) Act. That is not going to make a significant enough difference to turn this crisis around. I thank the Government for finally introducing a bill I like. I commend the bill to the House.

**The Hon. STEPHEN LAWRENCE (21:05):** I speak in support of the Crimes (Domestic and Personal Violence) and Other Legislation Amendment Bill 2024. Other members have summarised the various operative parts of the bill. I will address what to my mind are the two main parts of the bill, being the new offences for breaching apprehended domestic violence orders [ADVO] and the new civil order scheme. Of course, I support other aspects of the bill, but those other parts seem more relatively straightforward. The new offences, in essence, apply new maximum penalties to types of conduct that are currently captured by the existing offence of breaching an ADVO.

I am generally sceptical of the capacity of increased maximum penalties to deter crime or, conversely, the suggestion that decreasing a maximum penalty will lead to an increase in crime. On the latter proposition, a good example is that almost a decade ago we decreased the maximum penalty for driving while disqualified, and a recent Bureau of Crime Statistics and Research report has shown less jail but no increase in offending. That speaks to a few things, including the general lack of awareness of maximum penalties and sentencing trends in the community and the cohort of offenders, and the contradictory impact of incarceration, which might prevent some crimes in the short term but cause more in the long term.

That is not to say that all increases to maximum penalties are unjustified. That is certainly not the case. The determination as a matter of policy of the appropriate maximum penalty should take into account a number of matters. The first is the range of offending that might be captured by a provision and the seriousness of relevant social harm that such conduct might cause. The second is a comparison of that conduct and penalty to other maximum penalties in the statute book. In order words, a maximum penalty for any given offence should sustain a rational comparison to other maximum penalties.

The third is, fundamentally, an assessment of the capacity of the maximum penalty to afford appropriate punishment for the various instances of offending that will come before the court as allegations of breach of the section. Underpinning all of that, it should also take into account all the fundamental purposes of the sentencing process and, indeed, the criminal system, which include maintaining public confidence in the rule of law; through that, discouraging vigilantism; providing for punishment that fits the crime or just deserts; discouraging offending and further harm to the community, both specifically and generally; and, of course, allowing the rehabilitation of offenders.

At the moment, the maximum penalty for an offence against section 14 of the legislation is a fine or two years imprisonment. This sets a penalty that applies to the full range of ADVO breaches—everything from consensual contact in a non-threatening way, as commonly occurs when the making of an order is followed by a change of heart by the parties, but also through to the recidivist stalker who breaches an order repeatedly in the most serious circumstances.

It is of course true that often the breach is accompanied by other offending conduct and sentences imposed for that conduct will be part of the context that might warrant a less severe penalty for the breach of the ADVO. But that is not always the case, even when the way that would be most appropriately accounted for is a degree of concurrency or cumulation in those sentences. Take, for example, a recidivist stalker or family and domestic violence offender who reoffends with gross violence in breach of an ADVO. I am far from convinced that two years represents the appropriate punishment as a maximum penalty in that worst-case scenario. Of course, if the bill passes, they will face three years as a maximum penalty.

Another example is a person who continues to offend repeatedly, including three times in a 28-day period. That person might very often require a higher maximum penalty than two years, especially taking into account

that they may have an appalling criminal record and there is a variety of aggravating factors. All of that is not to say that the imposition of such sentences will deter crime or achieve a meaningfully higher degree of incapacitation. But, as I said earlier, those are not the only measures by which it is judged whether incremental changes to the maximum penalties are appropriate. I note what the Hon. Susan Carter said in terms of these new offences being table 2 offences and therefore able to be disposed of summarily, unless the prosecution elects. That is certainly true, but it should not be thought that situation means an increased maximum penalty has no role to play. The maximum penalty—whether it is three years, or five years under the new provision, or the maximum penalty generally for any offence—is very rarely imposed, but that is not to say that it does not influence the disposition.

There will be in the future a large number of people who offend against these new offences who come before the Local Court and are subject to a jurisdictional limit of two years where the increased maximum penalty will mean higher sentences will be imposed inside that framework. But that jurisdictional limit is not a maximum penalty. It is a jurisdictional limit. Such persons, for example, if there was an election for trial on indictment, might not receive more than two years even if their matter was heard in the District Court.

I now address the civil order scheme aspect of the bill. In an earlier life I spent a period prosecuting family and domestic violence offenders, where I observed a wide range of such offences and offenders. That experience, and other work in the criminal justice system, here and overseas, has led me to be wary of overarching explanations for types of offending. But, all that said, I recall observing in that work some distinct types of offenders.

I recall a certain type of offender who came back before the court with different victims, even in the short time that I was involved in the specialist family and domestic violence unit. Most if not all men who offended against one woman after another and came back with different victims in a short time, and who seemed incapable of living alone or of not behaving in a highly controlling and eventually violent way towards their female partners, had personality disorders. I suspect that would include antisocial personality disorder, if one was to apply a clinical lens to it. I recall other types that were men and women in dysfunctional relationships and lifestyles where the offending seemed to be at least partly maladaptive responses to their environment. Others were in moments of crisis, health or otherwise.

I think this anecdotal experience finds some interesting resonance in a recent Australian Institute of Criminology study, *Pathways to intimate partner homicide*, in which 181 cases of intimate partner homicide were analysed. I have spoken in the House before about this document. I think it is important. The study overall identified three key trajectories or cohorts inside the sample: the fixated threat offender, the persistent and disorderly offender, and the deterioration/acute stressor offender. I will not go on to say more about that report, but it is interesting reading in understanding the dynamics in intimate partner homicide and domestic and family violence more generally.

The new civil scheme will have an apt application to a wide range of offenders, particularly in limiting their ability to find new victims and to offend against them. The new scheme will acquit the Government's duty of care to the people who fall into the orbit of offenders and quickly find themselves controlled and abused. There is already the capacity, and in some cases the obligation, for courts to make apprehended violence orders [AVOs] when people have offended against named individuals. However, that does nothing really to deal with the proved recidivist who is clearly and obviously a threat to a wide range of future victims that they are yet to offend against.

New section 87C will allow for prohibitions, restrictions, requirements and other provisions as the court considers appropriate to prevent the person engaging in domestic abuse in relation to family members, former, current or potential intimate partners of the person, or persons in a domestic relationship with an intimate partner of the person. Orders will be able to be sought by the Commissioner of Police or the Director of Public Prosecutions, and go to the Local Court or the Supreme Court, depending on the circumstances. The triggers for the making of an application for an order will include the respondent not being a child and the court being satisfied that during the previous 10 years the person, when at least 16 years of age, has been convicted of two or more domestic violence offences of the requisite degree of seriousness, or has been involved in serious domestic abuse activity.

The court must also be satisfied there are reasonable grounds to believe that the making of the order will protect one or more of the following persons: a family member; a former, current or potential intimate partner; or a person in a domestic relationship with an intimate partner of the person. I would not read that to mean that any potential intimate partner has to be identified. It would seem to be more in the realm of the person who they might come into contact with. This type of order is a bit like the high-risk offender legislation currently applicable to sexual, violent and terrorist offenders, except those schemes are administered by the Supreme Court. This will be, in part, a Local Court power.

I think it will be important that the police and the DPP use this power relatively sparingly. It is an exceptional power that can be applied to non-convicted people and breach will be a serious criminal offence. If overused—for example, as a tack-on every time a person triggers the jurisdictional requirements—the civil scheme has the potential to be applied to a very wide cohort of people. If that occurs, it will mean that the police will have limited capacity to monitor compliance. The orders might become just another aspect of a wide web of regulation that does not meaningfully drive down offending or risk, yet ensnares people in a roundabout of offending. I note the legislation says "may" in the new section that allows the court to make an order, and it will be up to courts to develop a body of jurisprudence around the content of that discretion.

I note that there are appeals from the orders, but when the Local Court makes the order an appeal lies to the Supreme Court, and when the Supreme Court makes the order an appeal lies to the Court of Appeal. That is a relative inaccessible appeal route and highlights just one reason why courts should be very judicious in making orders. This should not become a tack-on application wherever the basic jurisdictional requirements are triggered. It should be noted that this bill originates in part from the tragic death of Molly Ticehurst in the Forbes area and the general scourge of intimate partner homicide.

I have spoken recently in this House about the scourge of intimate partner homicide, its prevalence over time and what reduces its incidence. The research from the Australian Institute of Criminology shows intimate partner homicide rates across Australia have dropped by more than half since 1989. In raw terms, this translates from 82 occurring in 1989-90 to 38 in 2022-23. When separated for gender, the figures also show a similarly consistent and extremely significant drop.

The rate of women killed by partners has dropped by 66 per cent over the past 34 years. That is cold comfort to anyone impacted by such a crime, but reform does need to build on what works as much as on what is proved not to work. Unfortunately, there is not a large amount of readily available research analysing the decrease. Some research attributes it in part to a contraction in the young male population, the number of people living in rural areas and the unemployment rate—a reminder, perhaps, that fluctuations in crime can be driven by broad factors unrelated to particular governmental interventions.

An obvious question is what the bill might do to rates of intimate partner homicide. The first point is that, in the context of 38 deaths a year nationwide and the very large number of cases to which the jurisdictional triggers in the bill would apply, it can be immediately observed that attempting to craft laws to catch those cases before they happen is a hard task indeed. I will not develop the point further but instead note that I made more extensive comments when I spoke to the bill that represented the first response to the death of Molly Ticehurst: the Bail and Other Legislation Amendment (Domestic Violence) Bill 2024.

It must be remembered that the bill is part of a package. One part was the earlier bill. Other aspects of the package are on the resource side and offer an extensive range of augmentation to existing programs. The Government committed \$230 million over four years as part of an emergency package to enhance support for domestic, family and sexual violence victim-survivors and expand programs that reduce the rate of violence against women and children. Those are incredibly welcome commitments. I have spoken in this House before about other things we can do to improve complainant experiences in the criminal justice system, especially in the justice reinvestment realm. Those are important too.

The bill is a welcome attempt to protect complainants, but it should not be taken to mean that tweaks to the criminal law and related civil laws, such as the orders provided for in the bill, are the substantial way to achieve community protection and reduce crime overall. Such a message would be counterproductive. Changes to the blunt and reactive tools of the criminal law and related civil laws—whether bail, sentencing or quasi-criminal civil order schemes—are not the most significant way to achieve community safety. It would be good if they were. All that said, I support the bill and commend it to the House.

**The Hon. AILEEN MacDONALD (21:21):** I support the Crimes (Domestic and Personal Violence) and Other Legislation Amendment Bill 2024. Any effort to strengthen protections for victim-survivors of domestic and family violence is worthy of support, but I make clear that, while I support the bill, I cannot ignore the Government's repeated failure to deliver on its promise to those very victim-survivors. Domestic and family violence is not a political issue. It is a heartbreaking reality for too many in our communities. Words on a page or media releases mean nothing without meaningful action to back them up.

The Government has failed time and again to turn legislation into real change. One of the most frustrating examples is electronic monitoring. We know, and the data shows, that electronic monitoring can reduce domestic violence reoffending by 33 per cent. Yet we stand here with no timeline for when it will be implemented for those granted bail. How many more families must live in fear before the Government takes the steps it has already legislated? It is not just about the delays; it is about the dismissiveness with which the delays are treated. During

budget estimates, when we asked about a timeline for these changes, we received vague answers, empty words about working groups and no clear commitments.

How can a government that claims to prioritise the safety of women and children be so casual about the implementation of vital reforms? It is about the safety of victims, who are real people with real lives. I support the amendments to introduce a firm proclamation date of 1 December 2024, because enough is enough. Victims cannot wait any longer. Domestic violence survivors deserve better than empty words. They deserve a government that will act with urgency, precision and sincerity. The bill is a step in the right direction. Let us not fail these victims. I support the bill but demand that the Government put a firm date on its implementation.

**The Hon. RACHEL MERTON (21:24):** I speak in support of the Crimes (Domestic and Personal Violence) and Other Legislation Amendment Bill 2024. There is no doubt that the protection of individuals from domestic and personal violence must be a paramount concern of the Parliament. Indeed, protecting women in all ways should be a priority of us as legislators. Any legislation that seeks to strengthen protections for victims and hold perpetrators of domestic violence accountable deserves our close attention and, where appropriate, our support. However, while I recognise the intent behind the bill, particularly its focus on creating serious domestic abuse prevention orders and the introduction of new measures to tackle repeat offenders, I am left questioning whether the bill is yet another case of Labor jumping in the pool before it knows how to swim.

In principle, I support the direction of the legislation. It aims to fill gaps in our domestic violence framework, especially for high-risk offenders, but there are critical concerns we must address. The Crimes (Domestic and Personal Violence) Act 2007 already had a clear framework. Yet we are now debating additional amendments before the first set of reforms has even been implemented. I remind members that the Minns Government has been in office for 18 months. Tonight we have the proposal in this bill. Why is the bill necessary? Why is new legislation being introduced before the existing framework has had the chance to take effect?

Electronic monitoring is a perfect example. The provisions in the bill that tie bail decisions to electronic monitoring devices are important and could provide a valuable tool to ensure high-risk offenders are monitored while on bail. But here is the problem: We have heard no clear evidence that electronic monitoring has been fully implemented for those already granted bail under previous legislation. Where are those monitoring devices? Have they been purchased? Have they been tendered? Have magistrates been making bail decisions with those tools at their disposal, as we were promised? The answer, it seems, is no.

When asked about the implementation timetable for electronic monitoring during last month's budget estimates, the Attorney General made no mention of the need to amend the legislation further. Why not? Was it an oversight? More concerning, is it evidence of a government that is failing to plan properly? The Government rushed to pass the initial legislation, yet today there are more amendments because the first round was not fully thought through. That suggests to me that we are witnessing a lack of foresight and attention to detail, which are hallmarks of poor governance.

I commend the diligent Mr Alister Henskens, SC, MP, and the Hon. Susan Carter for their tireless work in holding the Minns Labor Government to account on those matters. They have shown clear leadership, research, understanding and consideration in asking tough questions that deserve answers. We need transparency on the implementation of electronic monitoring, a clear timetable for when those devices will be operational, and assurances that the system is properly resourced. Until that happens, the legislative amendments are nothing more than empty promises.

I also draw on comments by the previous speaker, the Hon. Aileen MacDonald, who shared the personal, human consequence and experience of what domestic violence means. It is those people whom we represent. While I support measures that enhance protection for victims and increase accountability for perpetrators, I am disappointed in the failure to get the law right the first time. The delayed implementation is not just a bureaucratic hiccup; it has real-world consequences. Every day that these tools are not in place is another day that victims of domestic violence are at risk. Members on this side of the House know that.

I am incredibly proud of the former Coalition Government's work to combat domestic violence. Under its leadership, New South Wales saw the introduction of landmark laws to criminalise coercive control—a red flag for domestic violence homicide. The former Government's commitment of a record \$787 million to domestic violence programs marked the largest funding allocation in the sector's history. Those funds supported the expansion of women's refuges and enhanced court systems to better protect and support victims. I have visited some of those refuges and seen the support available to women under that program. It is a legacy of action.

The Government has been too focused on passing legislation to score political points without ensuring that the infrastructure and planning are in place to make the laws effective. It is all show and little substance. While I support the bill, I do so with caution. Government members must provide assurances that they are not simply

introducing more layers of law without first getting the foundational measures right. I caution them to stop making those mistakes and reverse the dangerous trend they seem to be establishing for themselves. It is unacceptable and has real-world consequences. I urge the Government to focus on delivering outcomes that will make a difference in the fight against domestic violence in New South Wales.

**The Hon. DANIEL MOOKHEY (Treasurer) (21:30):** In reply: I thank all honourable members for their contributions: the Hon. Susan Carter, Ms Abigail Boyd, the Hon. Stephen Lawrence, the Hon. Aileen MacDonald and the Hon. Rachel Merton. The Government was as astonished to hear Ms Abigail Boyd's praise as I am sure she was to give it. I turn to some of the matters that have been raised during debate on the bill. Opposition members spoke at length about the commencement of the bill and other important legislation introduced by the Government.

In order to provide some broader context and facts around those questions, I simply make the point with respect to the legislation that has previously been passed that the Government is taking advice from the agencies that will have to respond about the time needed to ensure that all of their systems and officers are ready to implement the reforms. That implementation work is critical given that the NSW Police Force is responsible for enforcing apprehended domestic violence orders [ADVOs] and investigating breach offences, and it will be the primary agency applying the new serious domestic abuse prevention orders introduced by the bill.

Other agencies, including the courts, also require time to ensure that the necessary systems and processes are in place before the reforms commence and that the training and education can be delivered. Therefore, a staged commencement is important for our agencies to continue to work with experts in the domestic and family violence sector to ensure that the reforms can be implemented effectively. Of course the Government makes no apologies for listening to our Police Force, our judicial officers and other experts in domestic and family violence in planning appropriate reforms.

Taking time to carefully implement laws responding to domestic and family violence should come as no surprise to anyone in this place. The coercive control reforms had an extended implementation period of up to 19 months because of their complexity. In the same way, reforms in the bill such as the serious domestic abuse prevention order scheme represent significant and complex reforms that need time to get right. Forcing reforms to commence before our agencies are ready would be irresponsible. We heard that victims cannot afford to wait, but let us be clear: Victim-survivors deserve effective reforms and effective protections, particularly because in so many cases their health, physical wellbeing and—in some sad scenarios—lives depend on it.

I listened carefully to the contribution of the Hon. Susan Carter, and she argued that the Bail and Other Legislation Amendment (Domestic Violence) Act 2024 has not commenced. That is not correct. The majority of that Act commenced on 1 July 2024, and that includes the parts of the Act relating to the expansion of the show cause test, stays requiring bail decision-makers to consider domestic abuse risk factors and the views of victims and family members, and the improved process for prosecutions relating to tracking devices. Where parts have not commenced, it is due to real and valid operational requirements. Work on those has been progressed as a priority and is well underway. The bill has in no way delayed that implementation work, and it operates to support the Government's earlier reforms.

I also respond specifically to the point the Hon. Susan Carter made that suggested that the higher penalties available under the aggravated offences for breach of an ADVO are ineffective because they are table 2 offences, which are to be heard in the Local Court unless the prosecution elects otherwise. I make three points in that regard. First, the existing standard breach ADVO offence is a summary offence, so the option to try breaches on indictment is not currently available. This reform provides a further option that means that the most serious forms of breach can be tried in the higher courts and the full penalties can be made available. Secondly, the comments fail to recognise that a difference in the maximum penalty is always a relevant factor for sentencing, even in the Local Court. At common law, the maximum penalty is an important consideration for sentencing.

Finally, the majority of indictable criminal offences are table offences. Tabling offences is important to ensure that criminal charges can be heard in an appropriate court, having regard to the severity of the charge. While the maximum penalty for any offence reflects Parliament's view of the objective seriousness of the offence, individual charges under those offences will invariably reflect the different degrees of severity. Inclusion of the new offences as table 2 offences is neither unusual nor inappropriate. In conclusion, combating domestic and family violence is a key priority of the Government. The bill is one part of the Government's multifaceted approach, providing our law enforcement agencies and justice system with more tools targeted to managing high-risk domestic violence offences and holding them to account. I commend the bill to the House.

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

**Motion agreed to.****In Committee**

**The CHAIR (The Hon. Rod Roberts):** There being no objection, the Committee will deal with the bill as a whole. I have two sheets of amendments, Opposition amendment No. 1 on sheet c2024-164B and Libertarian Party amendment No. 1 on sheet c2024-158B. I invite the Hon. Susan Carter to move the Opposition amendment.

**The Hon. SUSAN CARTER (21:36):** I move Opposition amendment No. 1 on sheet c2024-164B:

**No. 1 Commencement**

Page 2, clause 2(b), line 11. Omit all words on the line. Insert instead—

(b) otherwise—on 1 March 2025 or on an earlier day or days to be appointed by proclamation.

This very simple amendment responds to an amendment in the other place to make sure that the bill has a commencement date. It is a generous commencement date of 1 March next year. I acknowledge the advice of the Treasurer that the Government has been taking advice from the relevant agencies—the police and judicial officers. What I did not hear in that statement was the advice received about how long it would take; nor did I hear what discussions the Government has had about a suitable time frame that would be in place.

In many ways the amendment stems from the Opposition's experience at estimates, where it was very clear that there is no project plan with a timeline in place for a number of really significant justice initiatives that are designed to protect the men and particularly the women of New South Wales. It is about time that this Government took the business of governing seriously and said, "Here is the timeline, and we will make it work." The amendment would see the entirety of the legislation commence by 1 March. The Opposition submits that is ample time for the training of police and judicial officers to make the legislation work. I commend the amendment to the Committee.

**The Hon. DANIEL MOOKHEY (Treasurer) (21:38):** The Government supports the bill in its current form for the reasons that were given in the other place when a similar amendment was moved, albeit with a different proposed date. I also gave the reasons for the Government's position in my speech in reply during the second reading debate.

**Ms ABIGAIL BOYD (21:39):** The Greens do not support the amendment. As I said in my contribution to the second reading debate, there is merit in putting limits on when a government can or cannot proclaim legislation. In this circumstance, March is too early. From what I understand, most of the changes in the bill will be ready by March, but I am concerned about issues with the new protection order. That is quite a significant change to prepare for, especially with the break around Christmas and the new year. A lot must be put in place, particularly the training. The law is only as good as its implementation. I want police to be properly trained and able to understand and apply the apprehended domestic violence orders. Officers will have to pick up when a breach is made with malicious intent, as opposed to being accidental. Those issues are complicated.

As I said in my contribution to the second reading debate, we should reconsider time limits if there has been no movement on the legislation by April, May, June or July. I do not have the impression that will happen in this case, and I am usually quite harsh with the Government. I do not think the amendment is necessary. I thank the Government for the changes it made in the other place to bring forward commencement of some of the provisions that will not need much technical implementation. However, when it comes to training to deal with these serious and complex issues, I would prefer that the Government took its time.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Susan Carter has moved Opposition amendment No. 1 on sheet c2024-164B. The question is that the amendment be agreed to.

**The Committee divided.**

Ayes ..... 12  
Noes ..... 19  
Majority ..... 7

**AYES**

Barrett  
Carter  
Fang (teller)  
Farlow

Farraway  
Franklin  
MacDonald  
Maclaren-Jones

Merton  
Mitchell  
Munro (teller)  
Ruddick

## NOES

Banasiak  
Boyd  
Buckingham  
Cohn  
D'Adam  
Faehrmann  
Graham

Higginson  
Houssos  
Hurst  
Jackson  
Kaine  
Lawrence

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

## PAIRS

Rath  
Tudehope  
Ward

Suvaal  
Donnelly  
Buttigieg

**Amendment negatived.**

**The Hon. JOHN RUDDICK (21:49):** I move Libertarian Party amendment No. 1 on sheet c2024-158B:

No. 1 **Registration of change of child's name**

Page 14, Schedule 2.2, lines 26–34. Omit all words on the lines.

I understand the Government's intention with the bill and with schedule 2.2. I am concerned that schedule 2.2 could result in an increase in acute episodes of domestic violence and permanent family estrangement. Schedule 2.2 would allow for a parent with sole parental responsibility to seek orders from the Family Court and change the surname of a child without the consent of the other parent. I am concerned about unintended consequences, which we need to soberly think through.

When the Family Court decides that one parent will have sole custody of a child, some parents who have lost custody will not care, but many will be left absolutely shattered. Those grief-stricken parents will hold on to some hope that when the child turns 18 it may be possible to rekindle some form of a positive relationship. In most cases, a parent who has lost all custody will share a surname with the child. Unilaterally declaring that the parent who lost custody has also lost their child's identity link, which has been removed permanently, will amplify their grief and further diminish any hope they may have of reconciliation. In some cases the custodial parent will be motivated by spite, and this bill makes that process easier.

That is a recipe for a small number of people to snap. My solution is to simply remove schedule 2.2 so that the current name-changing process through the District Court and the Registry of Births, Deaths and Marriages remains the same as it currently is. The parent with no custody has avenues available to provide their side of the matter and to at least feel that their voice has been heard. It provides an extra step and will therefore reduce surname-changing exercises motivated by spite. In many cases the current system results in the child having their surname changed, and often the circumstances are that it is in the best interests of the child, but the current system is less arbitrary than what is proposed by the bill.

Many fathers are distrustful of the Family Court and are convinced it has an anti-father bias. If this amendment is not supported, that view will only be hardened and it will erode confidence in our institution. When someone is 18 years old, they are an adult and can choose their surname entirely on their own. I ask members to support the amendment.

**The Hon. DANIEL MOOKHEY (Treasurer) (21:51):** The Government supports the bill as is. The bill maintains appropriate safeguards to ensure sole parents cannot unilaterally change a child's name without judicial oversight. The bill is appropriate because it gives effect to the intention of the Family Court orders by allowing sole parents who have been granted appropriate parenting orders to change their child's name.

**The Hon. SUSAN CARTER (21:52):** The Opposition is sympathetic to the arguments raised by the Hon. John Ruddick and would not want unintended consequences to flow from the bill. However, the Opposition shares the Government's confidence that the bill as drafted should provide sufficient protections. I make the observation that, sadly, we cannot legislate against spite. But we can, of course, legislate in a way that minimises opportunities, especially when thinking about spite being visited upon our children. If the bill proves to have unintended consequences, the Opposition would be happy to look at amendments at a future date when it can have more time to fully understand the consequences of the change proposed.

**Ms ABIGAIL BOYD (21:53):** The Greens are also sympathetic to the general vibe of the amendment. The mover of the amendment talked about fathers. In the course of the work that I have done in my portfolio area,

I have spoken with not just fathers but also probably 40 or 50 women who have had an experience in the Family Court where their child was taken away and sole custody was given to a parent who was deemed to be a risk to the child under the State child protection system. Unfortunately, that happens quite a lot.

As I said in the second reading debate, this is an issue that I looked at very closely because I do not want to see that made worse. However, my understanding of the bill is that it is not taking away any additional judicial review; rather, it is just removing the administrative step that requires consent by the other parent in circumstances where the Family Court had already made the determination that consent was not appropriate. For the objective of trying to harmonise the Family Court system and our State laws so they do not overlap, duplicate and get in the way of each other, I think this is a positive bill. If the mover of the amendment is interested in pursuing removing some of the awful overlap between the family law system and our State system and the way that it is harming many children, I would be open to having that discussion.

**The CHAIR (The Hon. Rod Roberts):** The Hon. John Ruddick has moved Libertarian Party amendment No. 1 on sheet c2024-158B. The question is that the amendment be agreed to.

**Amendment negated.**

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

**Motion agreed to.**

**The Hon. DANIEL MOOKHEY:** I move:

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

**Motion agreed to.**

### **Adoption of Report**

**The Hon. DANIEL MOOKHEY:** I move:

That the report be adopted.

**Motion agreed to.**

### **Third Reading**

**The Hon. DANIEL MOOKHEY:** I move:

That this bill be now read a third time.

**Motion agreed to.**

### *Business of the House*

### **WITHDRAWAL OF BUSINESS**

**Ms ABIGAIL BOYD:** I withdraw private members' business item No. 1225 standing in my name on the *Notice Paper* for today relating to the Anti-Discrimination and Crimes Legislation Amendment (Disability) Bill 2024.

### *Bills*

## **ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (CERTIFICATION) BILL 2024**

### **First Reading**

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

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

**Statement of public interest tabled.**

**The Hon. DANIEL MOOKHEY:** I move:

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

**Motion agreed to.**

**The Hon. DANIEL MOOKHEY:** I move:

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

**Motion agreed to.***Adjournment Debate***ADJOURNMENT**

**The Hon. DANIEL MOOKHEY:** I move:

That this House do now adjourn.

**REPAIR AND RE-USE**

**The Hon. Dr SARAH KAINE (21:58):** On 14 August I was pleased to be at the opening of the Bower's Festival of Repair. The Bower's Festival of Repair is a unique event to inspire a culture of re-use, repair and waste minimisation in Australia. The Bower is an award-winning environmental charity that reduces landfill and greenhouse gas emissions through reclaiming household items and building materials for re-use and resale. It educates the community and provides repair workshops and other courses encouraging a repair and re-use culture. The Festival of Repair was sponsored by the NSW Environment Protection Authority and is one of several re-use and repair initiatives that the New South Wales Government supports both locally and nationally.

Nationally we are supporting Seamless, the national clothing product stewardship scheme, which started on 1 July this year. Within New South Wales the Government has funded many local councils to host repair workshops and education for communities, including online and in-person hubs promoting re-use and repair. The Government has been funding the annual Garage Sale Trail, which promotes re-use by encouraging the community to hold garage sales over two weekends across Australia. Support also goes to bike repair and re-use with the Southern Sydney Regional Organisation of Councils, a re-use and repair hub on the northern beaches and several second-hand repair shops near landfills to ensure that products that can be re-used are not wasted. The New South Wales Government has also recently funded Charitable Reuse Australia to develop the NSW Reuse Data Study, which demonstrated that, per tonne, re-use generates 25 more jobs in New South Wales than recycling; re-use and resale save New South Wales communities \$432 million every year; and re-use in New South Wales saves over 320,000 tonnes of CO2 emissions every year.

I must admit that what first drew me to sustainability was not strictly environmental considerations but rather the poor treatment of workers in the fashion and textiles sector. As an academic and trade unionist, much of my career has focused on labour standards and protecting the right to dignity and fairness at work. As I delved more into human sustainability in the garment sector, I started to see quite a few parallels between my concerns about labour standards and environmental concerns. Something I have advocated for throughout my career is the responsibility for labour standards to be enforced up and down the supply chain, with a focus on those at the very top of the chain, who tend to hold the most power.

I see that paralleled in calls for extended producer environmental responsibility, which places responsibility for the entire lifecycle of a product on the manufacturer or producer. I would argue that that is becoming even more important as the extent of the ongoing impact and damage of things like forever chemicals, widely used by industry, is becoming disturbingly apparent. While consumers do play a role in advocating for better environmental outcomes, the real responsibility should lie with the manufacturers and retailers to make change to avoid outcomes that harm people and planet. Manufacturers and retailers of products have the power to ensure that products are designed in way that gives them a longer life or makes them easier to repair, or are made of materials that are easier to recycle. Those companies have the power and they, as the economic beneficiaries of their products, should be forced to take responsibility for them over their lifecycle and for any human or environmental damage they cause.

While there is work to do to encourage extended producer responsibility, it is important to recognise the steps that are being taken to support the circular economy and decrease our waste. I have convened a sustainable fashion and textiles reference group, a collaborative effort by key stakeholders in the fashion and textiles sector bringing together representatives from government, industry, academia and civil society. The reference group provides a platform for dialogue, knowledge sharing and partnerships for collective action. There is also the important work done by charities and community groups to raise awareness of not only the issues but also the solutions. The Bower, and its successful Festival of Repair serve as an exemplar for how we can inspire a culture of re-use, repair and waste minimisation through community action, inspiring us to consider the ways we can all repair, re-use and upcycle our belongings, rather than tossing them.

**PARALYMPIC GAMES**

**The Hon. NATASHA MACLAREN-JONES (22:02):** If there is anything that unites Australians, it is our love of sport. It is a love of the competition, the effort and the thrill of sport as performed and enjoyed by our male and female athletes. As shadow Minister for Disability Inclusion, I speak on the recent Paralympic Games

and acknowledge our amazing athletes. Over 11 days the Australian Paralympians competed and made us proud with 18 gold medals, 17 silver medals and 28 bronze medals. As Australian Paralympic Team Chef de Mission Kate McLoughlin said, "This is a team that all Australians can get behind." Across 17 sports, Australia fielded 159 Paralympians comprising 89 male competitors and 70 female competitors. The team was co-captained by eight-time Paralympic medallist in athletics Angie Ballard and triple gold medallist in paracanoe Curtis McGrath. New South Wales, I am proud to say, fielded 33 Paralympians, constituting approximately 20 per cent of the total team.

Australia tends to punch above its weight at international sporting events, and I think it is important to note that the team won 63 medals, with Australia coming ninth just behind the host nation, France. We are all very proud of our team. Hearing their stories and watching their achievements inspires us all, particularly young people. Like all elite athletes, when a Paralympian decides to focus on their dream of representing Australia, some are encouraged and supported by family, a coach or friends but all make sacrifices to train and compete, giving it their all. In addition, they must overcome adversity to achieve their goals, proving that with hard work and determination anything is possible. It was an honour to attend the welcome home ceremony a couple of weeks ago in Sydney along with the shadow Minister for Sport, Eleni Petinos, and Federal colleagues, including the Leader of the Opposition, Peter Dutton.

Just as many of our Paralympians are humble sports men and women, the Paralympic Games likewise began very humbly. The first organised event for athletes with disabilities coincided with the Olympic Games and took place on the opening day of the first post-war 1948 Summer Olympics in London. The German-born Jewish doctor Ludwig Guttman of Stoke Mandeville Hospital—later Sir Ludwig Guttman—who had been a refugee from Nazi Germany, hosted a sports competition for British and Commonwealth World War II veteran patients with spinal cord injuries. The first games were called the 1948 International Wheelchair Games and were, of course, deliberately intended to coincide with the 1948 Olympics. It was from those games that the Paralympics evolved, with the first official Paralympic Games being held in 1960 in Rome. The games were first hosted at the same sporting facilities as the Olympic Games in 1976 for the Winter Games and in 1988 for the Summer Games.

The Paralympic Games are now a major international sporting event, which most recently attracted over 4½ thousand athletes from 170 nations. They continue to both excite and impress the Australian sporting public. The games have, quite simply, become the largest and highest profile disability-inclusive event in the world, which is celebrated by all. Australia has competed at every Paralympics since that first games in 1960 in Rome and has gone from strength to strength as a national team.

It is important to acknowledge the significant logistical support that is provided to the teams. For the recent games, over 30,000 items of clothing were provided and 61 personal wheelchairs were flown to Paris, as well as 38 sport competition chairs and five SmartDrive power assist devices to support wheelchair users. The financial support, be it government- or private-sector sponsorship, helps athletes to focus on reaching their potential and should also be acknowledged, particularly individuals who donate and fundraise to support our teams. The fact remains that for all the success of our nation's Paralympic teams, the athletes are elite sports players. Their training is gruelling and time consuming and is supported by their world-class coaches. I am sure that for many their journey to next the Paralympics began the day after the Paris Games concluded. We will continue to support them on their journey and to watch their sporting careers with respect and admiration. I thank them all and congratulate our Paralympic team on representing our country and doing us all proud. They have inspired the next generation of athletes.

## LOCAL GOVERNMENT ELECTIONS AND THE GREENS

**Dr AMANDA COHN (22:07):** On 14 September 2024 the people of New South Wales took to the polls for the local government elections. Standing as a Greens candidate in local government is a great act of love—love for local community and love for our movement built on ecological sustainability, grassroots democracy, social justice, peace and non-violence. I am so proud of what The Greens have achieved in our biggest ever campaign for local government in New South Wales, with 376 candidates across 61 contests.

As The Greens spokesperson for local government, I express my deepest thanks and gratitude to those candidates who will serve their communities as councillors for the next four years and to those who were not elected but who bravely put themselves forward and gave their communities the choice to vote for progressive change. I am so inspired by and grateful to them all. It was a great joy to spend time with some of them on the campaign trail and hear their passion and positive vision for their communities. I thank our volunteers and the candidates who ran to grow the movement in places where a seat on the council was never the goal. I thank them for their immeasurable contributions. I see and celebrate the wins equally in our shared vision for the future. We could not do it without them. I also thank those staff members and volunteers who did so much tireless and often thankless work behind the scenes, in particular the volunteer members of the standing campaign committee and local government standing committee.

I will now thank some of our candidates by name and I apologise in advance to those I will not have time to name today. Thank you to Dorothy Robinson, Simon Chate, Kiri Dicker, Alexander Sharkey, Erin Karsten, Elaine West, Peter Strong, Greta Werner, Paul Wade, Miles Richards, Bashir Sawalha, Peter Hagggar, Dominic King, Jennie Fenton, Alison Heeley, Wendy Firefly, Talwinder Singh, Damien Atkins, Shabir Singh, Sarah Redshaw, Brent Hoare, Jenna Condie, Billy Gruner, Sarah O'Carrihan, Melanie Turner, Trish Frail and, dare I say, Mayor Sarah Ndiaye.

Thank you to Elia Hauge, Michelle Lowe, Delta Kay, Jayden Rivera, Teo Trebels, Charles Jago, Tailoi Ling, Conroy Blood, Abrar Ahmad, Natalie Hanna, Anisha Gautam, Sue Wynn, Llynda Nairn, Greg Clancy, Jonathan Cassell, Tim Nott, Sujun Selven, Mike Auger, Colleen Turner, Jocelyn van der Moolen, Niall O'Donnell, Charlie Bell, Peter Eccleston, Carol Sparks, Danielle Wheeler, Allister Claasz, Matilda Julian, Monika Ball, Tania Salitra, Olivia Simons, Liz Atkins, Andrew Blake, Izabella Antoniou, Olivia Barlow, Ismet Tastan, Flynn Franklin-Baker, Arthur Bain, Michael Jones, Vicki Taylor, Melinda Lawton, Jordan Casson-Jones, Mark Whalan, Caroline Atkinson, Jane Oakley, Bryce Ham, Ingrid Schraner, Rochelle Flood, Nick Riggs, Adam Guise, Virginia Waters, Luke Robinson, Vanessa Grindon-Ekins, Shae Salmon, Lindall Watson, Binnie O'Dwyer, Campbell Knox, Jessie McDonnell, Michael Jacobs and Paul Johns.

I also thank Dheera Smith, Richard Holz, Colleen Godsell, David Jones, Charlotte McCabe, Joel Pringle, Sinead Francis-Coan, Rebecca Watkins, Angus Hoy, Kristyn Glanville, Miranda Korzy, Ethan Hrnjak, Bonnie Harvey, David Mallard, Judy Greenwood, Sophie Edington, Shafaq Jaffery, Lauren Edwards, Kim Scott, Katrina Willis, James Ansell, Philipa Veitch, Kym Chapple, Masoomah Asgari, Clare Willington, Russel Weston, Tina Kordrostami, Tonia Gray, Kaye Gartner, Takesa Frank, Linda Nowak, Louise Stokes, Martin Moore, Sylvie Ellsmore, Matthew Thompson, Ryan Brook, Gemma-Lee Tolmie, Mila Kasby, Danielle Packer, Vida Shahamat, Suzannah McDonald, Nola Firth, Jenny McKinnon, Sam Ryot, Dominic Wy Kanak, Ludovico Fabiano, Mora Main, Heather Champion, Jess Whittaker, Kit Docker, Deidre Stuart, Jamie Dixon, Harris Cheung, Martin Cubby, Matthew Robertson, Nicola Grieve, Adrian Cameron and Tanya Cullen.

Last, but certainly not least, I thank Geoff Hudson, Ashley Edwards, Dawn Dawson, Joseph Lumanog and Kofi Isaacs. Thank you to your teams, your support crews and your loved ones, and to every person who cast their vote for a greener, cleaner and fairer future at the level of government closest to the community. Most importantly, our work does not stop here. Local democracy is not something that is only exercised every four years at the ballot box. It is something we participate in every day. I cannot wait to continue our work together at every level of government and in the community.

## HOUSING POLICY

**The Hon. CAMERON MURPHY (22:11):** Tonight I speak about the housing crisis afflicting Australia and, in particular, New South Wales. It is exceptionally difficult for people to save to buy a home or to find and afford a rental property. Across Australia, the cost of housing has outpaced wage growth and rental vacancies are at an all-time low. House price increases have continually raced ahead of wage growth. Since the year 2000, house prices have grown by 363 per cent, and yet household incomes only increased by 152 per cent. This is a deviation from the prior 30 years of house price changes, which were largely in step with growth in incomes. The true extent of the crisis has been most acutely seen in Sydney.

For the last 15 years, Sydney has continually placed in the top three most unaffordable cities on earth according to research by Demographia, which analyses global housing affordability. Housing is more expensive in Sydney than in many other global cities, such as Los Angeles, San Francisco, Vancouver or Tokyo. The latest Australian Bureau of Statistics data on housing prices has revealed that the median house price in Sydney is currently \$1.4 million, which is the highest in the country. It is 72 per cent, or \$580,000, higher than in Melbourne. This crisis has been decades in the making and is not easily fixed. Long-term Liberal-Nationals Governments at Federal and State levels have left the housing market in freefall.

Young people and working people have been systematically excluded from entering the property market, and many are struggling desperately to afford soaring rents. The Federal Government controls many of the key policy settings needed to fix these issues. For example, the capital gains tax concession, introduced by the Howard Government in 2000, and other tax settings such as negative gearing, have distorted the housing market so that a wealthy minority of investors, rather than mum-and-dad investors or owner-occupiers, are its primary consumers and beneficiaries. Treasury estimates that, in the 2023-24 financial year, the Commonwealth will forgo \$19 billion in revenue due to the capital gains tax discount. Around 80 per cent, or \$15.6 billion, of this will go to the wealthiest 10 per cent of taxpayers. These funds could instead be used for the public good and to provide housing.

The Albanese Government's help-to-buy and build-to-rent proposals are a good start. However, it is clear that the scale and urgency of the housing crisis requires more significant investment by government to resolve it. Nothing should be off the table, and this includes tax reforms. I commend Minister Rose Jackson's announcement today of the development of 1,100 new homes in New South Wales, as well as the other steps the Minns Labor Government is taking to increase the supply of housing across the State. It is my view, however, that such measures do not go far enough to fix the housing crisis we face in this city and this State. There is much more to do. It is clear that we need many thousands of new homes to be built as soon as possible.

We must also drastically increase both the amount and proportion of social and affordable housing as part of new builds. It is obvious that leaving the provision of housing to the private market has failed. There are few other essential human rights, such as health care, that we leave up to the vagaries of a supply-and-demand system. Instead, we either provide such services directly or make sure they are available to the most vulnerable people through other means. In my view, housing should be no different. More direct intervention in the housing market is needed to ensure all those in New South Wales have a place to live, and that buying a home is once again an achievable goal for the ordinary young Australian.

### CANNABIS LEGALISATION

**The Hon. JEREMY BUCKINGHAM (22:15):** Tonight I speak on the incredible boom that is happening in the United States with the legalisation of cannabis. In particular, I draw attention of the House and the community to the jobs, jobs, jobs in cannabis. The 2024 Vangst Jobs Report into the growth of cannabis jobs in the United States, by Bruce Barcott and Beau Whitney, reported this week that there were 450,000 people employed in the industry. It is a \$40 billion industry that has emerged in a matter of just five years. The US cannabis industry is now worth more than the entire Australian meat and livestock industry combined. It is growing at double digits. Imagine being in the 1970s and missing out on the microprocessor tech boom, or being in the 1990s and missing out on the dotcom boom, or even missing out on the gig economy. This is going to be a global industry. The Nationals have ignored it for far too long. They have been stuck with their head in the sand with reefer madness and "just say no". It was the United States government that sold us that message, and the United States are moving on. They are doing so rapidly. I will say again and again that Donald Trump—

**The Hon. Sam Faraway:** Trumpy!

**The Hon. JEREMY BUCKINGHAM:** Trumpy is voting for amendment 3 in Florida for full legalisation. It is amazing. That amendment is supporting the downcheduling of cannabis from level 1 to level 3. This opens it up to banking reform and international trade. That is where America is going. It is eyeing the massive markets for adult-use cannabis across the globe, and especially the Muslim nations. Under Islam, cannabis is not haram. It is not forbidden like alcohol. Think about the market in India, where bhang is essentially legal. Muslim countries like Pakistan and Afghanistan are legalising it. Iran, Saudi Arabia, Egypt and Morocco have legalised it.

America is realising that, in a generation, this is going to be an industry as big as alcohol. We have an opportunity to use this industry to transition some of our declining industries, like those coalmining communities, into medicinal and adult-use cannabis centres. The forestry companies, which have harvested the forests of this State, are now looking for other industries. A few thousand of them are looking for jobs. There is one company in this State—I have already brought it to the attention of the Hon. Tara Moriarty—which is looking to double its footprint and employ 400 people in just one facility.

American states of a similar size to New South Wales, with an adult-use legal cannabis market—Arizona, Massachusetts, Wisconsin and others—are employing 25,000, 35,000, 40,000 people in that industry. Here are some figures that will make members sit up. California brought in \$1 billion in tax revenue from cannabis last year. Colorado, with a population similar to Queensland, has raked in \$2.38 billion in state taxes since 2014. That is money that is going towards roads, hospitals, education and housing. Instead, in New South Wales we are spending, in the Premier's own words, billions of dollars underwriting the business plan of the crime gangs—the Costa Nostra, the Mafia, the triads—which is to grow cannabis and use that money to import meth, cocaine, handguns and child sex slaves, to get rich. It is absolute madness. Apart from wars, it is the biggest and most stupid public policy failure in Western democracies in 100 years. The war on drugs has been a monumental failure. Look at the United States: It is legalising cannabis and it is going to be worth trillions of dollars. We need to wake up.

### REGIONAL NEW SOUTH WALES

**The PRESIDENT:** Before I call the Hon. Scott Barrett, I welcome everyone to what is clearly the best attended adjournment debate for years. Most importantly, I welcome his wife, Maryanne Hawthorn, to the gallery. The Hon. Scott Barrett has the call.

**The Hon. SCOTT BARRETT (22:20):** I will find it very difficult to properly articulate what it means to me to be standing here once more. Of course, I have been here before, so this is not my inaugural speech. Rather, it is an addendum to that original speech which contains some more traditional content. Unfortunately, this is not a speech I will fill with stories of my "gap year", as some people have termed my time away from this place. That will be for another time and place. The privilege of this position has never been lost on me, nor will it ever be. Yes, I have been here before, but that has not made the past couple of weeks any less significant for me. I say this not referring just to this building or the title, despite their esteem, but rather to what I have the opportunity and responsibility to do while I am here, and for me that is to vigorously promote and protect the interests of the people and communities of regional New South Wales.

Regional New South Wales is my home. I was born there, cut my teeth there and I am now privileged to live just north of Orange, raising my own family with my beautiful wife. I have friends and family, footprints and networks right across the State and I count myself extremely lucky because of this. And now I have the opportunity to continue giving back to these communities that are so personally important to me but also so critical to the success of New South Wales. For this opportunity, I first of all thank the NSW Nationals, a party I am proud to represent as the one party that has a singular focus on the interests of regional communities. This is the second time our Central Council has entrusted me with this position, and I am eternally grateful. There are, of course, some individuals for me to thank in this regard, but I will save that for a more intimate setting.

Of course, I want to acknowledge my Nationals colleagues, starting with those in the other place, led by our skipper, Dugald Saunders. It is great to be joining the much-revered Nationals Legislative Council team: the Hon. Sarah Mitchell, the Hon. Wes Fang and the Hon. Sam Faraway. I am really looking forward to getting back in the trenches with you lot as we take up the fight for our regional communities. To you, Mr President, congratulations on your election and, in particular, the work that you have undertaken on the bicentenary of this place. It is a further reminder of the esteemed position we hold and the privilege it is to be here. The Nationals, and the Country Party before that, have a long and proud history of serving regional communities. I am honoured to continue this tradition and will do so with respect and humility.

This brings me to the most important people I need to thank, my wife Maryanne and two boys, Darcy and Henry. We had a bit of a family meeting when this position came up. Unfortunately, Henry was an apology as he had a prior engagement with ABC Kids. But Darcy was a key part of that discussion, and he was actually the one who best summed up the key points. In his eyes, it was a balance between two forces. I am sure other members have weighed this up as well. On one hand, it was clear that it would mean I would be away from home a lot, and that was not ideal. But once we established that, Darcy asked a very poignant question. He said, "But will you be able to help more people?" When I explained that was the main reason why I wanted to do this, he simply said, "Well, I think you should do it then." So, here I am. Mez and those boys serve not only as the reason I can do this—obviously, I could not do it without their support—but also as a major motivation for this role.

Now more than ever, I am invested in the future of regional New South Wales, to see our communities thrive so that Darcy and Henry and others like them throughout the State can enjoy the same opportunities and more that I have enjoyed in this great part of the world. Henry, I miss you already, mate, and will do every day we are apart. But I promise we will make up for lost time when I am home, by playing rugby in the lounge room, singing in the car, and there is certainly a camping trip in the very near future. Darcy, you make me so proud in all that you do. You are such a well-rounded, kind and pleasant kid, and I cannot tell you the joy I receive watching you grow into the type of person I would like to be—and to be honest, the type of bowler I would like to be as well. We will have another net session as soon as we are back home together again. And Mez, who surprised me by coming here today, I mentioned in my inaugural speech that my greatest personal achievement was scoring 100 for Cudal Cricket Club. I can add serving the people of New South Wales in this place to that list. But both of those things are overshadowed by my relationship with you and our two boys. I love you so much. Thank you for being who you are and helping me be the best version of who I am.

But now it is time to get back to work. For me, that means fulfilling a couple of promises, to the Central Council of The Nationals and, importantly, to my family, to do everything I can to make regional New South Wales better, stronger and more sustainable. To do this, we need to support and protect our primary industries. Our biosecurity must be sound, and we need to support our modern farmers in the stewardship of their land. We need to be attracting the next generation to our industry, at all different levels. We need to support our regional communities, through infrastructure and through our local clubs and organisations. They are the heartbeat of our towns. This makes our towns more liveable; it brings in tourists and it becomes easier to attract and retain key workers, making these communities even more liveable, more vibrant and more sustainable. We need to do better with our response to and preparation for natural disasters. We need bold vision to invest in the industries and the innovations of tomorrow, and in infrastructure for future generations.

I know that I cannot do this alone, so I will work with our regional stakeholders, my Nationals colleagues, and others of all stripes from across the Chamber—who I will no doubt clash with from time to time, but also look forward to working with—to get results for our regional communities. That is why we are here: to make regional New South Wales better, so our people can thrive, our communities can thrive, and our State can thrive, and to make sure that regional New South Wales continues to be the best place to live, work and raise a family.

**The PRESIDENT:** The question is that this House do now adjourn.

**Motion agreed to.**

**The House adjourned at 22:28 until Wednesday 25 September 2024 at 10:00.**