

## LEGISLATIVE COUNCIL

Wednesday 25 September 2024

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

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

### *Announcements*

#### LEGISLATIVE COUNCIL BICENTENARY CONCERT SERIES

**The PRESIDENT (10:01):** I advise members that today from 12.45 to 1.30 vocal performances by The House That Dan Built house ensemble and Toy Choir will take place in the Fountain Court as part of our bicentenary concert series. A proud New South Wales based music organisation, The House That Dan Built supports girls and women to find their voice to be heard, to connect and share joy while unearthing and propelling the careers of the next generation of female composers, songwriters and performers, locally, regionally and nationally. In this bicentenary year the series invites everyone at the New South Wales Parliament to reflect on our past, celebrate our achievements and imagine our future. I look forward to seeing members there.

#### EMPLOYEE ASSISTANCE PROGRAM

**The PRESIDENT (10:02):** I remind members of today's information session on Parliament's new employee assistance program, Converge International. Members and staff can join the information session in the theatre or virtually via Teams from 1.00 p.m. The session will provide an overview of the employee assistance program offered, how to access it and the benefits available to all. There will also be an opportunity to ask questions and engage with our representative from Converge International.

### *Motions*

#### WORLD MARITIME DAY

**The Hon. CAMERON MURPHY (10:02):** I move:

That this House notes that:

- (a) 24 September 2024 marks World Maritime Day, a day of reflection for the sacrifices made by merchant seafarers who crewed cargo ships during wartime; and
- (b) the Sydney Branch of the Maritime Union of Australia held a commemoration and wreath laying ceremony at Pymont Bridge at 12.00 p.m. on 24 September 2024.

**Motion agreed to.**

### *Documents*

#### NSW POLICE FORCE MANAGEMENT AND ADMINISTRATION

##### Tabling of Report of Independent Legal Arbiter

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

- (1) That the report of the Independent Legal Arbiter entitled *Disputed Claim of Privilege—Police management and administration*, dated 19 September 2024, together with submissions, be laid upon the table by the Clerk.
- (2) That, on tabling, the report is authorised to be published.

**Motion agreed to.**

### *Motions*

#### METRO ASSIST LUNAR NEW YEAR CELEBRATION

**The Hon. MARK BUTTIGIEG (10:03):** I move:

- (1) That this House notes that:

- (a) a dumpling-making Lunar New Year celebration was held on 14 February 2024 in Burwood, and the Hon. Mark Buttigieg, MLC, was honoured to attend, representing the Minister for Small Business, Lands and Property, Multiculturalism, and Sport the Hon. Stephen Kamper, MP;
  - (b) the event was hosted by Metro Assist, an organisation servicing culturally and linguistically diverse communities in areas such as finance, tenancy, migrant settlement and family support;
  - (c) the dumpling-making celebration facilitated connections between recent migrants and local service providers that offer assistance with settlement issues; and
  - (d) guests attending the event included:
    - (i) the Hon. Ron Hoenig, MP, Minister for Local Government;
    - (ii) Mr Jason Yat-Sen Li, MP, member for Strathfield; and
    - (iii) councillor John Faker, Mayor of Burwood.
- (2) That this House congratulates Metro Assist on conducting such a successful celebration of the Lunar New Year and thanks Metro Assist for its invaluable service to the community.

**Motion agreed to.**

**CLONTARF FOUNDATION ROSS KELLY CUP DINNER**

**The Hon. AILEEN MacDONALD (10:04):** I move:

- (1) That this House acknowledges the Clontarf Foundation, which exists to improve the education, discipline, life skills, self-esteem and employment prospects of young Aboriginal and Torres Strait Islander men:
  - (a) that Clontarf's largest event, the annual Ross Kelly Cup, began in 2013 with just 100 boys for a rugby league carnival; and
  - (b) that the 2024 Ross Kelly Cup was held in Tuggerah and now has 41 teams and hosted 750 year 9 and year 10 boys from various Clontarf academies from across the State.
- (2) That this House notes the Ross Kelly Dinner on 10 September 2024 was a celebration with more than 1,000 people including staff, corporate partners, and supporters.
- (3) That the Clontarf Foundation Ross Kelly Dinner was attended by:
  - (a) Mr Craig Brierty, Deputy Chief Executive Officer of the Clontarf Foundation;
  - (b) the Hon. David Harris, MP, Minister for Aboriginal Affairs and Treaty;
  - (c) the Hon. Sarah Mitchell;
  - (d) Mr Roy Butler, MP;
  - (e) Mr Philip Donato, MP;
  - (f) Ms Liza Butler, MP;
  - (g) Footballer, Jason Saab;
  - (h) Former Wallaby, James Grant; and
  - (i) the Hon. Aileen MacDonald, OAM.
- (4) That this House congratulates the Clontarf Foundation on holding the dinner, which is a celebration of the power of sport, education, and positive role models.
- (5) That this House recognises independent studies have shown that Clontarf delivers a diverse range of benefits to those students who participate in the program, as well as the schools and communities.

**Motion agreed to.**

**KEITH'S CLOSET**

**The Hon. RACHEL MERTON (10:05):** I move:

- (1) That this House recognises the outstanding work of Keith's Closet, a charitable initiative founded by mental health nurse Keith Donnelly, which provides clothing, toiletries, and essential items to individuals accessing mental health services across New South Wales, particularly the south-west of Sydney.
- (2) That this House acknowledges the significant impact Keith's Closet has in restoring dignity, building confidence, and aiding in the recovery and reintegration of patients experiencing mental health challenges.
- (3) That this House commends the expansion of Keith's Closet to communities such as Bankstown, Wollongong and Lismore, and the dedication of its volunteers and supporters who help transform the lives of those in need, especially in a cost-of-living crisis.

**Motion agreed to.**

## COST OF LIVING

**Ms ABIGAIL BOYD (10:05):** I move:

- (1) That this House notes with concern that according to NCOSS in a report entitled *Impossible Choices: Decisions NSW communities shouldn't have to make*, published in September 2024:
  - (a) analysis across NCOSS' 2022, 2023 and 2024 Cost of Living surveys reveals that the sharp increase in indicators of financial pressure reported in the 2023 research have not improved and, in many cases, have notably worsened this year;
  - (b) New South Wales residents living on low incomes and below the poverty line cannot afford essential goods and services and are struggling to cover basic housing, food, medical costs and essential services, such as electricity and water;
  - (c) cost-of-living pressures are continuing to disproportionately impact specific groups within our community, notably First Nations households, carers, people with disability, CALD households, single parents and public housing residents;
  - (d) nine out of 10 single parents on low incomes have gone without essentials over the past 12 months due to cost-of-living pressures;
  - (e) while the Government's cost-of-living rebates have provided some minor temporary relief, they are not enough to keep people out of poverty and properly address the extent of the cost-of-living pressures faced by communities across New South Wales; and
  - (f) NCOSS is urging the State and Federal Governments to make changes to ease the crisis, including raising the rate of income support, creating a school food program and enhancing early intervention services.
- (2) That this House calls on the Government to take urgent action to meet the calls of NCOSS and provide targeted support and community development, invest in affordable housing and improve access to essential services.

**Motion agreed to.**

## SYDNEY CHOCOLATE BALL

**The Hon. JACQUI MUNRO (10:06):** I move:

- (1) That this House notes that on 21 September 2024 the thirteenth annual Sydney Chocolate Ball fundraising event was held, celebrating over a decade of supporting FSHD Global Research Foundation Ltd [FSHD Global], an organisation dedicated to raising awareness, funding medical research and improving quality of life for approximately 3,500 Australians living with facioscapulohumeral dystrophy [FSHD].
- (2) That this House congratulates the organisers, including Natalie Cooney and Emma Weatherley, volunteers and donors involved in making the 2024 Sydney Chocolate Ball a resounding success.
- (3) That this House commends FSHD Global for its remarkable work on the "Clinical Trial Passport" initiative which will cover diagnostic test costs for Australian FSHD patients, bringing them closer to participating in clinical trials and accelerating the search for effective treatments.
- (4) That this House further notes:
  - (a) that FSHD Global receives no government funding, despite its world-leading research and treatment delivery programs, led by a dedicated team of just 2.5 staff;
  - (b) the attendance of the following people at the 2024 Sydney Chocolate Ball:
    - (i) Senator Andrew Bragg, Senator for New South Wales, shadow Assistant Minister for Home Ownership;
    - (ii) Dr Mike Freeland, MP, member for Macarthur, Chair of Standing Committee on Health, Aged Care and Sport;
    - (iii) the Hon. Jacqui Munro, MLC, shadow Assistant Minister for the Arts, Innovation, Digital Government and the 24-Hour Economy in New South Wales;
    - (iv) the Hon. Bronwyn Bishop, AO, former Speaker of the Australian House of Representatives;
    - (v) Mr Bill Moss, AO, founder of the FSHD Global Research Foundation Ltd;
    - (vi) Mr Jamie Durie, OAM, Australian horticulturalist and TV presenter;
    - (vii) Mr Vic Lorusso, OAM, traffic reporter, TV and radio presenter; and
    - (viii) Dr Fiona Martin, Head of Science and Board Director at FSHD Global Research Foundation Ltd.

**Motion agreed to.**

## NAN TIEN TEMPLE

**The Hon. JACQUI MUNRO (10:06):** I move:

- (1) That this House notes that on 22 September 2024, Nan Tien Temple in Berkeley celebrated its thirtieth anniversary, marking three decades as a significant spiritual and cultural institution in New South Wales.

- (2) That this House congratulates the temple on its contribution to promoting the Taiwanese Fo Guang Shan Buddhist order teachings, cultural understanding and social harmony, as founded by Hsing Yun in the Illawarra region and across the State.
- (3) That this House acknowledges the efforts of the Venerable Man Ko of Nan Tien Temple, temple staff, residents, volunteers and the wider Buddhist community in ensuring the continued success of Nan Tien Temple, including its recent recognition as one of the State's youngest heritage-listed sites.
- (4) That this House further notes the attendance of the following people:
  - (a) the Venerable Hsin Bau, Refuge Master of Fo Guang Shan;
  - (b) the Hon. Stephen Jones, MP, Assistant Treasurer and Minister for Financial Services;
  - (c) the Hon. David Coleman, MP, shadow Minister for Communications;
  - (d) the Hon. Alyson Byrnes, MP, member for Cunningham;
  - (e) the Hon. Paul Scully, MP, Minister for Planning and Public Spaces;
  - (f) the Hon. Jacqui Munro, MLC, shadow Assistant Minister for the Arts, Innovation, Digital Government and the 24-Hour Economy in New South Wales;
  - (g) Councillor Gordon Bradbery, AM, Lord Mayor of Wollongong; and
  - (h) the Hon. David Campbell, former Mayor of Wollongong.

**Motion agreed to.**

*Committees*

**REGULATION COMMITTEE**

**Reports**

**The Hon. NATASHA MACLAREN-JONES:** I table a report of the Regulation Committee entitled *Delegated Legislation Monitor No. 10 of 2024*, dated 25 September 2024.

*Documents*

**NSW POLICE FORCE MANAGEMENT AND ADMINISTRATION**

**Report of Independent Legal Arbiter**

**The CLERK:** According to the resolution of the House this day, I table the report of the Independent Legal Arbiter entitled *Disputed Claim of Privilege—Police Management and Administration*, dated Thursday 19 September 2024, together with submissions.

*Committees*

**PORTFOLIO COMMITTEE NO. 2 - HEALTH**

**Membership**

**The PRESIDENT:** I inform the House that on 24 September 2024, the Clerk received correspondence from the Leader of the Opposition advising of the following change to the membership of the committee:

The Hon. Wes Fang in place of the Hon. Bronnie Taylor, resigned.

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

**Membership**

**The PRESIDENT:** I inform the House that on 24 September 2024, the Clerk received correspondence from the Leader of the Opposition advising of the following change to the membership of the committee:

The Hon. Scott Barrett in place of the Hon. Wes Fang.

**PORTFOLIO COMMITTEE NO. 8 - CUSTOMER SERVICE**

**Membership**

**The PRESIDENT:** I inform the House that on 24 September 2024, the Clerk received correspondence from the Leader of the Opposition advising of the following change to the membership of the committee:

The Hon. Scott Barrett in place of the Hon. Bronnie Taylor, resigned.

## PUBLIC ACCOUNTABILITY AND WORKS COMMITTEE

### Membership

**The PRESIDENT:** I inform the House that on 24 September 2024, the Clerk received correspondence from the Leader of the Opposition advising of the following change to the membership of the committee:

The Hon. Sarah Mitchell in place of the Hon. Bronnie Taylor, resigned.

### Bills

## ANTI-DISCRIMINATION AND CRIMES LEGISLATION AMENDMENT (DISABILITY) BILL 2024

### First Reading

**Bill introduced, read a first time and ordered to be published on motion by Ms Abigail Boyd.**

### Second Reading Speech

**Ms ABIGAIL BOYD (10:21):** I move:

That this bill be now read a second time.

I am pleased to introduce the Anti-Discrimination and Crimes Legislation Amendment (Disability) Bill 2024, which will insert anti-vilification protections on the basis of disability into the Anti-Discrimination Act 1977 and the Crimes Act 1900. These provisions will make it unlawful to incite hatred towards, serious contempt for, or serious ridicule of a person on the grounds of disability and make it an offence to threaten or incite violence on the grounds of disability. The bill will also insert new offensive behaviour protections into the Anti-Discrimination Act, making it unlawful to offend, insult, humiliate or intimidate another person or a group of people because of race, religion, disability, sexual orientation, gender identity or intersex or HIV/AIDS status.

The question of whether our laws, policies and practices properly uphold and realise the rights of people with disability is one which has been debated for many years. Though Australia was one of the first Western countries to ratify the United Nations Convention on the Rights of Persons with Disabilities in 2008, almost two decades later Australia still has yet to fully implement most principles of the convention into our laws, policies and practices, nor have we begun to properly embed its principles into our broader society. Protecting people with disability against harassment, abuse and vilification in our laws—a simple yet crucial reform—has long been advocated for across Australia. We cannot create a truly inclusive society without ensuring people with disability are comprehensively protected from all forms of discrimination, harassment, abuse, neglect and exploitation within the full remit of our laws.

The landmark Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability heard harrowing evidence of people with disability being subjected to cruel and ongoing discrimination, harassment and vilification. Volume 4 of the royal commission's final report, entitled *Realising the human rights of people with disability*, delved into just how prevalent and pervasive ableist prejudice is in Australia, materialised across all areas of society in the form of discrimination, harassment and vilification of people with disability. As noted in that volume, when the Federal Disability Discrimination Act [DDA] was enacted in 1992, people with disability and their advocates were hopeful that it would lead to transformational change across our society, yet decades later those expectations are far from realised. In order to properly ensure the human rights of people with disability, promote substantive equality and foster meaningful inclusion, we must actively carry out widespread societal reform, beginning with our legislative framework at both a Federal as well as a State and Territory level.

Recommendation 4.30 (a) of the disability royal commission consequently called for action at a Federal level to protect against disability vilification by amending the DDA to insert a new "vilification because of disability" provision. The Federal Labor Government accepted that recommendation in principle but made no commitment to implement it. Recommendation 4.30 (b) called for States and Territories that already have legislation imposing criminal penalties for vilification of people on grounds that do not include disability to extend those laws to include vilification of people on the ground of disability. Disappointingly, in its response the New South Wales Labor Government fell short of committing to that recommendation, describing it as "subject to further consideration".

The Government has justified that timidity by reference to the ongoing NSW Law Reform Commission review into the Anti-Discrimination Act. Respectfully, I submit that the Law Reform Commission has been given a mammoth task that traverses a range of complex and nuanced territory, but within that contested space are a number of clear and distinct islands of simple to implement and commonsense reforms. The inclusion of anti-vilification protections on the basis of disability is one such island. Its justification has already been made out comprehensively, its likely impacts already well understood and the social benefit is clear and obvious to anyone who has witnessed and shared in the pain of a friend or loved one or, indeed, a total stranger being subjected to

gross public displays of hatred, contempt or ridicule as a result of their disability. I hope that all members of this Chamber are able to join me in asserting the simple truth that the incitement of hatred, public contempt or ridicule on the basis of someone's identity or ability is unacceptable, and our laws should serve to uphold that simple but profound principle.

Discrimination is understood as unfair or less favourable treatment of a person or group of people. Vilification, on the other hand, is the public incitement of hatred, offence, insult, ridicule, humiliation or intimidation of, or the threatening of violence toward, a person or group of people on the basis of one or more characteristics. Vilification typically occurs over an extended period of time and oftentimes in a covert or insidious manner. It can be embarrassing or frightening and cause considerable long-term harm. Disability vilification often occurs through the use of ableist and derogatory slurs that, although they are common and normalised in some people's vocabulary, are built on systemic prejudice and hatred of people with disability.

The concept of "offensive behaviour" constitutes a lower threshold of abuse and harassment than vilification and is an act of a person that is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of people. The following examples were given in the disability royal commission's report, which states:

Mr Tim Marks told us after he became an amputee, people would refer to him as a "cripple", "useless", or an "inconvenience". Mr David Gearin described being verbally abused while walking with his guide dog, Odin. He was sworn at, called a "bludger" and spat on. Ricki Spencer, a transgender First Nations woman, was forcefully bumped into, spat on and had things thrown at her.

Although the eradication of disability vilification, and indeed all forms of abuse and harassment of people with disability, cannot be done by law reform alone, the bill is a critical step in affirming that such behaviour is not tolerated in our community. It will provide avenues of redress for victims and entrench the right to equality and respect for all people with disability within the fabric of our society.

A clear line can be drawn between the historical eugenics movement and the modern-day devaluation of disabled lives. Eugenics, which is rooted in a belief in improving the human race through selective breeding, often targeted disabled individuals, deeming them "unfit" and advocating for their segregation or even sterilisation. The field of eugenics is all too often associated with supremacist ideologies—with the notion of a superior race or group often relying on the exclusion and denigration of those deemed inferior. Disability has historically been used as a marker of such inferiority, with disabled people portrayed as a threat to the purity and strength of the master race, justifying their mistreatment, exclusion and any number of atrocities. It is easy to see in such examples how the vilification of disabled people, promoted through supremacist ideology, was able to be weaponised into broader support for systems of oppression, inequality and abuse.

While the overt practice and theory of eugenics has been largely discredited and relegated from mainstream discourse, its underlying ideology persists. It is worth reflecting on the unique dangers posed to disabled people by that ideology as we once again witness the global rise of fascist and supremacist ideologies. Indeed, those ideologies continue to shape contemporary attitudes and practices. Even in the absence of explicit eugenic policies, the legacy of such thinking continues to permeate our collective subconscious and influences societal perceptions of disability. All too aware of the perils of othering, the presence of disability to many able-bodied people can serve as a reminder of human frailty and their own vulnerability. That can evoke feelings of unease and even fear, leading some to devalue or ostracise disabled people. Disability then becomes a sort of societal taboo to be avoided or even denied. That can manifest in the medicalisation of disability, where the focus is on fixing or normalising individuals rather than accepting and accommodating their differences. It can also be seen in the lack of accessible infrastructure and opportunities, which effectively excludes disabled people from full participation in society.

We are uniquely vulnerable as subjects under the capitalist mode of production. That economic system and its attendant ideological superstructure places immense value on productivity, efficiency and the ability to contribute to economic growth. Under the Fordist mode of modern capitalism, each person is not an individual but is, rather, a homogenous and interchangeable unit of economic production. Individuals with disabilities, who may require accommodations or face limitations in their ability to work in traditional ways, do not fit that model so neatly and are perceived as a burden or an obstacle to progress. That often results in their marginalisation and exclusion, including from employment opportunities, or their relegation to low-paying, marginalised jobs, perpetuating their economic and social disadvantage and reinforcing the idea that their lives are less valuable or less meaningful.

It is crucial to also recognise that the vilification of disability often intersects with other forms of discrimination, such as racism, sexism and homophobia. People who belong to multiple marginalised groups often experience compounded prejudice and exclusion. At its core, discrimination and inequality in those contexts originates from a history of vilification, informed by deeply ingrained societal structures that continue to perpetuate and permit the vilification of disability. In order to overcome those barriers, we need a radical shift in perspective that embraces human diversity and recognises the inherent worth of all individuals, regardless of their

abilities or perceived limitations. That shift starts with a clear and unambiguous rejection of and protection against vilification.

In New South Wales, even language used by judges at sentencing in countless cases concerning deaths of disabled people at the hands of carers perpetuates the rhetoric that devalues and vilifies people with disability as burdens to their carers and to society. That ableist narrative is covert yet ever more pervasive, and it perpetuates common societal attitudes overlooking and oftentimes condoning violent crimes toward people with disability. Witnesses with disability during public hearings of the disability royal commission described instances of persistent public discrimination and harassment, with many explaining that abuse is a common occurrence whenever they leave their homes—in shopping centres, in parks, on public transport, in bars and on the street. Witnesses spoke about varying experiences of vilification, some occurring over years in what was perceived to be less serious or minor incidents, but it happened persistently and had profound long-term impacts. Some shared stories of being called offensive names and ableist slurs, while others relayed reaching out for support only to be told to ignore the abuse or try to avoid it by not frequenting certain places.

Schools are commonly a setting where people with disability experience vilification and the normalisation of ableism for the first time, with discrimination, harassment and abuse often beginning slowly and continuing for years. Family Advocacy, which is an independent advocacy organisation managed and staffed by parents and allies of people with disability, regularly supports countless families who have experienced persistent and ongoing discrimination, abuse and vilification within the New South Wales education system, including private and public mainstream and segregated settings.

One family shared the story of their daughter with Down syndrome—referred to here as Olive—who is now in year 6 and has experienced persistent discrimination, exclusion and segregation from her peers and educators in her mainstream public school. In the playground, Olive's peers are assigned to observe her and, following recess or lunch, she is often asked to stand in front of the class while the other students point out her perceived mistakes. This practice of singling her out is both humiliating and detrimental to her social and emotional wellbeing. Inside the classroom, instead of being provided with curriculum adjustments that would allow her to engage with the learning material alongside her peers, Olive is frequently placed in a separate room with a school learning support officer where she plays games rather than participate in academic activities. Despite her clear desire to remain in the classroom with her peers and participate in the same lessons, she is continuously removed, which further limits her social interactions and learning opportunities.

Olive has expressed feelings of embarrassment and distress and has described the severe impact that persistent discrimination and exclusion has had on her self-esteem and emotional wellbeing. She has developed anxiety related to her school environment and feels increasingly marginalised. The consistent removal of Olive from her peers also reduces her ability to form meaningful friendships and to be part of the broader school community. The long-term consequences of that kind of exclusion and discrimination extend beyond Olive's school years. The lack of social integration and academic engagement can severely affect her development of life skills, limiting her opportunities for further education, employment and independence in adulthood. Continued experiences of exclusion and bullying may also lead to ongoing mental health challenges, including depression and anxiety, which can persist into adulthood. That increasingly diminishes Olive's confidence and reduces her ability to advocate for herself, ultimately affecting her capacity to live a fulfilling and autonomous life and rendering her increasingly vulnerable to instances of further offensive behaviour and vilification later in life.

Stories like Olive's exemplify the harm that this bill is seeking to prevent. We must embed inclusion and equality into our laws and expressly prohibit all forms of discrimination, harassment, abuse and offensive behaviour. Currently the Australian Capital Territory, the Northern Territory and Tasmania are the only jurisdictions in Australia to expressly prohibit vilification on the basis of disability in their legislation, although several other jurisdictions have made notable progress in reviewing their existing laws and proposing the necessary changes. The Victorian Legislative Assembly Legal and Social Issues Committee recommended the extension of Victorian anti-vilification laws to include people with disability in its 2021 report on anti-vilification protections. The Victorian Government supported that recommendation in principle, indicating that it would carefully consider the extension of anti-vilification laws. In 2022 the Law Reform Commission of Western Australia recommended amending the Equal Opportunity Act 1984 to make vilification on the grounds of disability unlawful, which the Western Australian Government indicated its willingness to support.

Following the Queensland Human Rights Commission's review of Queensland's anti-discrimination laws, the final report of which was tabled in 2022, the Queensland Government developed a new draft Anti-Discrimination Bill, which currently remains in draft form. The draft bill introduces disability as a protected characteristic in Queensland's existing anti-vilification provisions. In its submission to the South Australian Parliament's Social Development Committee's Inquiry into the Potential for a Human Rights Act for South

Australia, the Disability Advocacy and Complaints Service of South Australia called for a human rights Act to prohibit vilification on the basis of disability.

In New South Wales, the Anti-Discrimination Act 1977 currently prohibits racial, transgender, religious, homosexual and HIV/AIDS vilification, and the Crimes Act 1900, under section 93Z, makes it an offence to publicly threaten or incite violence on the grounds of race, religion, sexual orientation, gender identity or intersex or HIV/AIDS status. In 2023, after decades of community pressure for reform of our antiquated anti-discrimination laws, the New South Wales Government referred the Anti-Discrimination Act to the NSW Law Reform Commission for review, with one of the terms of reference being:

... the adequacy of protections against vilification, including (but not limited to) whether these protections should be harmonised with the criminal law.

Countless stakeholders and members of the public made submissions to the review, with many putting forth proposals for prohibiting disability vilification. Among them was Anti-Discrimination NSW, which said:

ADNSW supports a consideration of expanding anti-vilification protections beyond the existing grounds to ensure that people in NSW live without abuse based on attributes protected under anti-discrimination law.

The Public Interest Advocacy Centre also said:

A review of the ADA should also consider updating vilification provisions to cover all protected attributes, particularly disability, and ensuring consistency in the Crimes Act offence ...

And the Law Society of New South Wales said:

... consideration should also be given to extending the anti-vilification provisions to cover disability.

To date the NSW Law Reform Commission's review remains underway. However, there is nothing precluding the New South Wales Government taking action in the meantime to legislate against disability vilification. In fact, just a matter of weeks after commencing that review, the Government introduced and passed amendments to the Anti-Discrimination Act in relation to religious vilification, without worrying about receiving the results of that review first. The review of the Anti-Discrimination Act extends far beyond the scope of disability vilification, considering an entire modernisation of our anti-discrimination laws. We do not have to wait for that to conclude and recommend introducing disability anti-vilification protections, only for the Government to take months to respond with lacklustre, in-principle support for crucial reforms. The longer we delay embedding legal protections against disability vilification in our laws, the longer people with disability will continue to suffer under our ableist systems, policies and laws.

The Federal Disability Discrimination Act 1992 is widely known to be ineffective and inadequate in preventing and responding to the discrimination and harassment people with disability face on a regular basis, across all areas of society, despite what governments may argue in defending their complete lack of will and ambition to embed inclusion and access in our laws and policies. Though the Disability Discrimination Act has existing provisions in relation to harassment, it is limited in its application and threshold. Since April 2000 there has not been a single successful case involving a claim of harassment in relation to disability under the Disability Discrimination Act. In relation to vilification on the basis of disability, the Disability Discrimination Act offers no protection to people with disability.

I now turn to the contents of the bill. Schedule 1 [5] to the bill inserts a new provision in the Anti-Discrimination Act 1977 making it unlawful to vilify someone or a group of people on the basis of disability, specifically, to incite hatred towards, serious contempt for, or serious ridicule of a person on the grounds of disability. Schedule 1 [6] inserts an additional offensive behaviour provision in the Anti-Discrimination Act to make it unlawful for a person to offend, insult, humiliate or intimidate another person or a group of people on the basis of race, religion, disability, sexual orientation, gender identity, or intersex or HIV/AIDS status.

The prohibition of offensive behaviour goes further than existing vilification protections and models section 18C of the Federal Racial Discrimination Act 1975, which makes it unlawful for someone to do an act that is reasonably likely to offend, insult, humiliate or intimidate someone because of their race or ethnicity. The inclusion was an explicit ask of stakeholders in the disability sector, and follows recommendation 4.29 of the disability royal commission report, which calls for the Disability Discrimination Act to be amended by inserting such a provision. Introducing a new offensive behaviour provision alongside existing vilification provisions will ensure that all forms of abuse, victimisation and offensive behaviour, regardless of the extent or severity, are captured within our laws.

Schedule 2 [2] to the bill extends existing anti-vilification provisions in section 93Z of the Crimes Act 1900 by inserting disability as a protected characteristic. Schedule 2 [3] amends the introductory wording in section 93Z (1) to capture those who experience vilification on the basis of more than one protected characteristic. The purpose of the amendment is to expressly capture instances when a person or group of people with intersecting

characteristics—for example, a person with disability who is also a First Nations person—experiences vilification on a combination of multiple grounds at the same time. The definition of disability in schedule 1 [1] and schedule 2 [5] to the bill replaces the existing definition of disability in the Anti-Discrimination Act and Crimes Act to modernise them with broader definitions of disability to properly encompass a more modern understanding of disability by including past, present and presumed future disability; carers of a person with disability; neurodiversity; and the omission of some outdated language in current legislative definitions.

Modernising the definition of disability is critical in ensuring no-one is excluded from protection from discrimination, offensive behaviour and vilification. As is currently understood in relation to the application of existing vilification protections for protected characteristics, examples of disability vilification in a public place could include offensive comments made in a workplace or educational setting; display of offensive material in a public place; unsolicited email distribution lists; offensive comments or material publicly posted on social media or expressed in radio or TV interviews; the wearing or displaying of offensive clothes, signs or flags in public; or yelling offensive comments while driving past a person.

Disability vilification can occur in different ways to other forms of vilification and may be less obvious to most people because of how ubiquitous ableism and disablism are in our society, from the media we consume to the language we use and the attitudes and behaviours taught to our children from a young age at school and in our homes. We have an incredibly long way to go to build a society that ensures meaningful inclusion and access for all people with disability, and we must begin with the reforms we already know we need. Every day that our governments delay action pushes us further behind in achieving this.

We must strive to go further than simply protecting people with disability from discrimination, harassment and vilification in our laws and introduce a positive duty to eliminate discrimination within our anti-discrimination laws. That was a key recommendation of the disability royal commission and is a legislative provision in place in several jurisdictions across Australia already. By requiring all duty holders to take reasonable and proportionate measures to not only accommodate people with disability in society but also eliminate all forms of discrimination, including harassment and vilification, we can finally move forward in ensuring the human rights of people with disability are fully realised in accordance with our obligations under the United Nations Convention on the Rights of Persons with Disabilities. To truly create an inclusive society where people with disability are valued, we must untangle the deeply rooted ableism that has created a web of systemic barriers and move from a reactive model to an active model of prevention and elimination of such barriers.

I thank everyone who shared their stories, expertise and advice throughout the process, including Family Advocacy, First Peoples Disability Network, the Autistic Self Advocacy Network of Australia and New Zealand, Australian Autism Alliance, Council for Intellectual Disability, Square Peg Round Whole and, most importantly, those with lived experience and their families who shared their experiences with my office. I also thank, as always, the Parliamentary Counsel's Office for its work in drafting the bill, and my team, without whom I could do almost nothing. We cannot erase the pain and suffering of those who have experienced abuse, violence, victimisation and harassment on the basis of their disability, or the pain of those who have lost loved ones from that, but we can act right now by legislating to ensure that, moving forward, people with disability are legally protected from all forms of abuse and harassment, including offensive behaviour and vilification. I commend the bill to the House.

**Debate adjourned.**

*Motions*

### **PFAS CHEMICAL CONTAMINATION**

**The Hon. SARAH MITCHELL (10:44):** I move:

That this House calls on the Government to establish a special commission of inquiry into per- and polyfluoroalkyl [PFAS] contamination in New South Wales waterways and storages.

The motion calls on the Government to establish a special commission of inquiry into the contamination of our waterways and water storages by per- and polyfluoroalkyl substances, or PFAS. The motion is about protecting our urban and rural communities, ensuring the safety of our drinking water, safeguarding the environment and ensuring the public's trust in the management of our State's most precious resource: our water. Recent detections of PFAS in several New South Wales water sources, including the Medlow Dam and the Belubula River, have once again brought the issue to the forefront. In both instances, independent testing suggests alarmingly high levels of PFAS in waterways that flow into our drinking water systems and through our towns, villages and catchments.

Understandably, it raises concerns about the safety of the water we consume daily, the natural environment upon which our ecosystems rely and the implications for livestock and farmers reliant on this precious resource. Those persistent chemicals remain in our waterways, soil and ecosystems for years, earning them the label "forever

chemicals". They bioaccumulate in the tissues of animals, threatening the viability of livestock farming and further endangering our biodiversity and the delicate balance of our ecosystems. The contamination of the Belubula River, a critical waterway for agriculture and local communities, is worrying for local farmers and communities downstream. Similarly, the people of the Blue Mountains have been vocal in their concerns, and rightly so, because the PFAS contamination in their water supply is potentially decades old and has only recently come to light.

In addition to the health and environmental concerns, we must also consider the impact PFAS contamination has on water security. Water is already a scarce resource across New South Wales and the contamination of key water sources like the Belubula River and Medlow Dam may exacerbate that scarcity, particularly in times of drought. When a water source becomes contaminated and is taken offline, water must come from another source to support that community. That affects our regions, especially during drought conditions, when every drop of water counts. Therefore, it is critically important that we understand the full extent of PFAS contamination in our waterways and storages, identify its sources and understand the risks it poses to public health, our communities, the economy and the environment.

Importantly, we must also ensure that our regulatory framework is up to the task. Are the current laws, regulations and guidelines surrounding PFAS contamination sufficient? Are our monitoring and reporting practices robust enough to detect and respond to contamination in a timely manner? Those critical questions must be addressed and the Opposition believes that a special commission of inquiry is the proper mechanism to do so. I particularly acknowledge the hard work of our shadow Minister for Water, Ms Steph Cooke, who has been driving the issue on behalf of the Coalition. New South Wales has a responsibility to compare our practices with those of other jurisdictions—both within Australia and internationally—to ensure that we are adopting the best possible approaches to managing and mitigating PFAS risks. Many other countries, including the United States and several European nations, have taken significant steps to address PFAS contamination. We must learn from their experiences and apply those lessons here in New South Wales.

Finally, we must ensure that the resources allocated to address the issue are adequate. Local water utilities, particularly those of smaller councils in rural and remote New South Wales, must receive the necessary funding to manage the risks associated with PFAS, in addition to investment for already overdue infrastructure upgrades. Having expressed concerns about the issue, the Opposition knows it is not alone. I acknowledge that Ms Cate Faehrmann and The Greens have also been raising the issue. Later today we will debate their motion to establish a parliamentary inquiry. But the Opposition feels that, if we are serious about protecting people, communities and the environment, we should have a special commission of inquiry, which is the highest level of investigation available. This is a critical moment for the Government to demonstrate its commitment to addressing PFAS contamination with the utmost seriousness and urgency.

The public's genuine concerns about the health implications of PFAS exposure cannot be understated, especially given that this is a relatively new and evolving area of environmental and health research. We are still in the process of understanding the full extent of the long-term effects. By establishing a special commission of inquiry, the Government has the opportunity to instil confidence in the community. A high level, independent investigation will not only provide a comprehensive assessment of the situation but also lend credibility and transparency to the findings. This approach will reassure the public that their concerns are being heard and addressed through a thorough and impartial process and will help foster trust in the Government's commitment to safeguard public health and the environment. A special commission of inquiry into PFAS is needed, and we ask the House to support the motion.

**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) (10:50):** The Government does not support the proposition to hold a special commission of inquiry into PFAS contamination, but Government members welcome the opportunity later today to discuss the option of a parliamentary inquiry. The Government accepts the proposition that PFAS contamination in our waterways and in our environment is a concern. Only 10 per cent of potential PFAS contamination is in water and water sources. Unfortunately, PFAS contamination is relatively widespread. It is in our eye shadow, dental floss, shampoo and non-stick cookware. These forever chemicals were historically used and are somewhat ubiquitous.

The Environment Protection Authority has been doing an excellent job leading the Government's response on this issue. However, we accept that drinking water has a special status as the source of life and community resilience. It warrants special consideration, and a parliamentary inquiry is the suitable approach to take. Special commissions of inquiry are usually established to investigate the truth of a specific allegation or to investigate a possible criminal offence that may have occurred. That is not the case with this matter. The community wants answers to legitimate questions, and the member's motion has put these on record. They are the types of questions

that can be explored through a parliamentary inquiry, which will receive submissions and evidence from the community and make recommendations to the Parliament. We welcome that opportunity.

There is nothing more important to us than the safety of our drinking water. We have nothing to hide and welcome the opportunity to engage in this process. We want the community to know that they can have confidence in the safety of our drinking water. We are testing regularly, and all of the tests undertaken in the Sydney catchment have indicated that PFAS is well below the level of concern in the Australian Drinking Water Guidelines. The one exception is a slightly elevated result at Medlow Dam, and that water source has been taken offline. The community can have confidence in the testing that has occurred to date. The test results have indicated that our drinking water is well within Australian Drinking Water Guidelines. We have also offered to support local water utilities to conduct their own free testing of PFAS for their water sources. As I said, we welcome the opportunity for inquiry, but we feel that a parliamentary inquiry is the preferable approach.

**Ms CATE FAEHRMANN (10:53):** The Greens also oppose the motion. I say from the outset that it is great to see The Nationals showing a lot of concern about this issue; so much so that they want to establish a special commission of inquiry into it. I will move a motion later today to establish a select committee of this House to make inquiries into PFAS contamination. If my motion is supported, and I hope it is, the committee will be able to get going reasonably quickly and hear evidence straightaway. We can hopefully look at ways that the Government can make things move more quickly than it currently is, particularly around the drinking water guidelines.

While a special commission of inquiry may need to occur in the future, beginning with a select committee is the right call. It allows members to work together across parties on this issue and to see where we should go. I support the intent of the motion. It is fantastic to hear that The Nationals are concerned about water and its environmental impact. I look forward to a motion to set up a special commission of inquiry into the impact of mining on the water of New South Wales. That would indeed be something to support. At this stage, let us see where we get to as a Parliament. It is an urgent issue, and communities want to talk to us. The motion has a worthy intent, but we do not support it at this stage.

**The Hon. SARAH MITCHELL (10:55):** In reply: I thank the Minister and Ms Cate Faehrmann for their contribution to this debate. We are disappointed, because this issue warrants the highest level of scrutiny possible. As a member of the upper House, I am well aware of the important work done by Legislative Council committees. However, given how serious this is, a special commission of inquiry would carry more authority. It would have more resources available to it than a parliamentary inquiry, and it would allow for a deeper and more thorough investigation. We believe this is the best way to address this issue with the seriousness and rigour it deserves. We will continue to push our case publicly and here in Parliament. It would have been good to have support from the Government and The Greens on this today. It is disappointing that they do not believe this warrants a high level of scrutiny. We will deal with Ms Cate Faehrmann's motion later today, but we will also continue to push for a special commission of inquiry as we believe it is the right thing to do.

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

**The House divided.**

Ayes .....12  
Noes .....22  
Majority.....10

**AYES**

Barrett	Farraway (teller)	Mitchell
Carter	MacDonald	Munro
Fang (teller)	Maclaren-Jones	Ruddick
Farlow	Merton	Tudehope

**NOES**

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

NOES

Graham

PAIRS

Rath  
WardD'Adam  
Donnelly**Motion negatived.**

**The PRESIDENT:** Order! It being after 11.00 a.m., according to sessional order, proceedings are now interrupted for questions. I note that we are starting question time at 11.04 a.m. so we will conclude at 12.04 p.m.

*Visitors***VISITORS**

**The PRESIDENT:** I acknowledge Ms Vittoria Albanese is present in the gallery today. Vittoria is currently studying at the University of Technology Sydney and interning in the office of the Hon. Tara Moriarty. She is very welcome.

*Questions Without Notice***NURSES AND MIDWIVES INDUSTRIAL ACTION**

**The Hon. DAMIEN TUDEHOPE (11:04):** My question is directed to the Leader of the Government. Ms Shaye Candish, the secretary of the NSW Nurses and Midwives' Association, has said about the Labor Government's promised reform that "it was all hollow". Noting the Minister's answer in question time yesterday that "The Premier will make his own decisions in terms of who he meets with and when," and the Premier's refusal to meet with the nurses yesterday, how is the Minns Labor Government responding to the nurses' sense of betrayal?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:05):** I thank the member for his question. My answer is not much different from the one I gave yesterday. The Government takes seriously the negotiations and our relationship with and respect for the nurses and midwives. We are undertaking a negotiation in relation to their wages and conditions. We have also taken a number of other actions since coming to government, such as the removal of the wages cap and the restoration of powers to the Industrial Relations Commission so that there is a place to work carefully through this issue. Further, the Government has implemented safer staffing ratios, which the nurses and midwives have campaigned on for decades. That was not even contemplated under the previous Government. When it comes to the wages and conditions of nurses and midwives, the Government is undergoing good faith bargaining, which is the way the process operates.

I know Shaye Candish. I have spoken with her, and I respect her and her team at the NSW Nurses and Midwives' Association. They are very good unionists doing a good job on behalf of their members. The Government respects them. We do not call people who are unionists "thugs". We do not insult workers when they take industrial action, unlike those members opposite. Many times in this place they have traduced and insulted working people who are members of unions. We do not do that. We take all of their claims very seriously and we understand that the negotiation process can be a bumpy road. The Government is working through the issues in good faith with the nurses and midwives.

We are working in good faith to achieve a better healthcare system for everyone, which of course relies on the incredible work of nurses, midwives and other healthcare professionals and workers in our hospitals. They are incredibly important to the health and wellbeing of this State. We take them seriously. We are not fairweather friends when it comes to these things. It is great to see members opposite express concern, when previously they have called good public servants in this State "union thugs". The Government takes the NSW Nurses and Midwives' Association's claims seriously and will continue to do so. We know that its members are frustrated, but it is doing what unions do and making the needs of its members known loudly, as it is entitled to do. The Government will continue to work closely with the union to resolve the issues.

**AGRICULTURE RESEARCH**

**The Hon. STEPHEN LAWRENCE (11:08):** My question is addressed to the Minister for Agriculture. How is the New South Wales Government investing in the future of agriculture and research?

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:08):** I thank the Hon. Stephen Lawrence for that excellent

question. I also thank Vittoria in the gallery. She has done a terrific job and has a big future. Our Government has an unwavering commitment to safeguarding the State's \$21.2 billion primary industries sector. Investing in research and development is one of the most effective ways to assist primary industries around the State. We know that they face significant challenges, and our funding will ensure that they are profitable and sustainable, now and well into the future. When I was with the Premier in Gunnedah for AgQuip recently, I was delighted to announce that we are investing more than \$60 million in research and development and our research stations across the State. The announcement was welcomed by my good friend Xavier Martin from NSW Farmers.

Recently I also established a panel of eminent scientists, chaired by Professor Mary O'Kane, to prepare an overarching research and development strategy to guide and inform future funding initiatives. The current round of funding will support vital upgrades to seven research facilities and emergency response capacity at five sites across the State. My department is a world leader, ranking in the top 1 per cent of research institutes globally in the field of agriculture, biosecurity, fisheries and forestry. It maintains 28 research sites, including 13,000 hectares of trial sites, and manages a \$100 million portfolio in research and development each year—something that New South Wales should be incredibly proud of. Research and development are vital to the future of agriculture and primary industries in our State. Our farmers must innovate to ensure food makes it to our tables and our exports continue to grow. Farmers understand that and we will continue to work closely with them through this research program and review into how we can shape it for now and the future.

As the world changes, we need research to assist future planning for climate resilience, food security and growth opportunities. Our investment will support staff undertaking research across the State in vital areas like drought, heat-tolerant crop varieties and methane emissions reduction. Those upgrades will support ag tech integration and on-farm climate monitoring tools, as well as biosecurity surveillance and responses. The research sites are used for emergency response operation centres during times of natural disaster and biosecurity outbreaks, such as the recent avian flu outbreak in Western Sydney. New South Wales primary industries aim to reach a gross value of production of \$30 billion by 2030. We are supporting that by investing in better productivity through smarter research.

#### NURSES AND MIDWIVES INDUSTRIAL ACTION

**The Hon. SARAH MITCHELL (11:12):** My question is directed to the Minister for Regional New South Wales. What meetings has the Minister had with regional nurses to discuss their demand for a 15 per cent wage rise? What representations has the Minister made on behalf of regional nurses, and did the Minister meet with the nurses and midwives from Tamworth or any other regional areas yesterday?

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:12):** I thank the member for the question. I am pleased that there is a theme that seems to be developing today, in focusing the attention of the Parliament on the fantastic work our nurses do across New South Wales. The Government recognises, supports and celebrates that incredible work. We have not left them with a zero pay rise like the previous Government did. Our Government has openly and transparently engaged with the community and unions like the NSW Nurses and Midwives' Association and their members, including nurses in our regional hospitals such as Tamworth and other parts of New South Wales.

We have set up an industrial relations framework where they are able to pursue their industrial matters and the Government is able to pursue how it deals with workforce issues through a system that includes an independent umpire. The Government has, in many forms and through many Ministers, outlined the fact it will accept the decisions of the industrial umpire. We will also continue to engage. The Minister for Health has had many meetings with nurses, which is appropriate, as have the Treasurer, the Premier and other appropriate Ministers. Through NSW Health, they are engaging with our nurses on their current requests for better pay and conditions. The Government will continue to do that through the appropriate channels. It is a fantastic opportunity for me to thank our incredible nurses, especially those who work across regional communities.

**The Hon. SARAH MITCHELL (11:14):** I ask a supplementary question. I thank the Minister for her answer. Will she elucidate on that part of her answer where she said that her Government has not left the nurses with a zero pay rise? Have they received a pay rise since 1 July this year?

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:15):** I welcome the supplementary question, because it is a good chance for me to remind nurses and people across New South Wales that the Opposition did not provide nurses with a pay rise when it was in government and had every opportunity to support and reward them. In fact, the former industrial relations Minister bragged about it yesterday by saying that there was no pay rise for nurses during the pandemic. That is the last thing I would be bragging about if I was in the former Government.

**The Hon. Sarah Mitchell:** Point of order: My supplementary question was very specific. I asked the Minister to advise whether nurses had received a pay rise since 1 July this year. It was very narrow and specific.

**The PRESIDENT:** Order! The Leader of the Government and the Leader of the Opposition will stop interjecting across the Chamber. I do not uphold the point of order. The Minister was addressing the initial part of the question. I am conscious of the point of order taken by the shadow Minister. The Minister will be mindful of that. The Minister has the call.

**The Hon. TARA MORIARTY:** Thank you, Mr President. I am mindful of your comments. As I said in my previous answer, we are working through the process with people in the health sector, including our nurses and midwives who work in NSW Health. I outlined that process in my previous answer. We will continue the discussions. I do not know how many meetings there have been. Some information was provided yesterday to the House, but relevant Ministers would be able to provide details of how many meetings and how often they are occurring. That is appropriate. The Government will continue to work with nurses through this industrial issue. It is appropriate for nurses to invoke their industrial rights and pursue their claims, and it is appropriate for the Government to engage with them on those issues. We have set up a proper industrial relations court and process for those matters to be dealt with, and that is an appropriate thing to do.

### CHOWDER BAY MARINE WILDLIFE

**Ms CATE FAEHRMANN (11:17):** My question is directed to the Minister for Agriculture. In August two large bull rays in Chowder Bay, who were aged at least 20 years old and well known and loved by locals, were caught off the jetty by anglers. Their fins were chopped off and they were thrown back into the water. In reply to a letter I wrote to the Minister about the incident, she stated that there was no evidence that either ray was taken illegally because, under the Fisheries Management Act, recreational fishers can take up to five sharks not subject to other provisions, per person, per day. With only 7 per cent of New South Waters protected from all forms of take, why will the Minister not support the local community's calls for Chowder Bay to be declared a no-take aquatic reserve to provide a safe haven for marine life like those two rays?

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:18):** I thank the member for the important question. It is a sad situation. I acknowledge that the member wrote to me about it, and other members of the community have done the same. It is true that these mammals—sorry, these rays—were found in a bad situation. I apologise. It is a really serious issue and I do take it seriously. The rays were discovered in the state outlined in the question. The incident has been investigated by my department. The response I provided to the member is based on the advice I received following the investigation.

There are views from people across the community about Chowder Bay and access for fishing. There are a lot of people across the community who use that particular area for fishing. To make an arbitrary decision to simply close it because of these circumstances, as tragic as they are, is not something that the Government is looking to do. I asked my department to investigate the circumstances. There was no evidence of some of the allegations that have been put but, nonetheless, it is something we take seriously. In managing areas that are available for fishing, or otherwise, my department and I have to consider carefully all of the various interests and uses, including those in this particular area of New South Wales.

**Ms CATE FAEHRMANN (11:20):** I ask a supplementary question. Will the Minister elucidate her answer when she says she needs to take into consideration fishing and all of the other things? How is that taken into consideration? What is the process that the Minister is using to balance fishing across the State, but particularly at Chowder Bay, compared to the need—literally a legislative requirement—for the Minister to also protect our marine estate and protect the marine life there?

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:21):** I thank Ms Cate Faehrmann for the supplementary question. It is a good question. As I have outlined, this is something the department and I have to work through in different areas around the State. We need to factor in various uses as well as protection for our marine life. It is worth noting that the Government is considering a draft network management plan and community submissions for five mainland marine parks. The Government has to factor in the environmental, social, cultural and economic values of all those areas. In relation to the marine estate, of course I have joint responsibility for that with the Minister for the Environment, and for very good reason: so that the Government can consider these matters from an environmental perspective, a protection perspective and a marine life perspective, but also from a fishing and public use perspective. The joint responsibility is in place so that, as per the member's very valid question, these matters are considered properly from all relevant perspectives.

**The Hon. WES FANG (11:22):** I ask a second supplementary question. Will the Minister elucidate that part of her answer in which she spoke about reviews for protection zones? Will the Minister indicate to the House what will be the priority of this Government? Will it be to kowtow to the environmentalists, or will the Minister defend protections for fishers and recreational users of those areas?

**The Hon. Penny Sharpe:** Point of order: Debating points in a question are unhelpful. Asking a question that elucidates the answer that the Minister gave is fine, but that question was out of order.

**The Hon. Wes Fang:** To the point of order: Seeking an answer of the Minister and asking her to indicate what the priorities are and whether she will fall under the environmental components or prioritise the more socio-economic aspects is certainly in order. It is simply a descriptor in the question. If there is a problem with the descriptor, it could be removed. I indicate it was simply context in the question and should be ruled to be within the standing orders.

**Ms Cate Faehrmann:** To the point of order: Questions in this place cannot include inferences. I believe the Hon. Wes Fang was clearly inferring that the Minister may be kowtowing to environmentalists. I think that language definitely suggests that inference was included in the question.

**The PRESIDENT:** There are predominantly two points of order. The first is about the question itself. I have made it very clear that I will allow quite wide latitude when it comes to supplementary questions. For that reason, I will allow the question. Even though the original question was specifically on Chowder Bay, I think this is within the alignment of the question itself. The second issue is use of the term "kowtow". I have some sympathy with the point taken by Ms Cate Faehrmann. I ask that the word "kowtow" be deleted and that the words "provide more weight to the concerns of" be inserted in its stead. The Minister has the call.

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:25):** I thank the Hon. Wes Fang for the second supplementary question. Mr President, I note your ruling in relation to removing a particular word. Can I say, in general terms, I do not kowtow to anybody. That is the first part of the answer. As to rest of the question, I will refer to my previous answer to the supplementary question in relation to how these issues are dealt with from both an environmental perspective and from a fisheries perspective. That is the very reason, as I outlined in my previous answer, that parts of the work the Government does in relation to the marine estate are jointly managed.

Other parts of how the Government deals with environmental issues are dealt with by the environment Minister. Fisheries are dealt with by me as the fisheries Minister. Where it is appropriate for us to come together and either have joint responsibility for particular things or more broadly, as we do as a government, work together on these issues, we do not operate in silos. We work together to find the right policy outcomes in every area, including this one, for New South Wales. We will continue to do that. It is completely appropriate that we consider environmental outcomes. It is completely appropriate that we consider protecting our marine life, our marine estate, our oceans and our waterways more generally at the very same time as ensuring that people can fish and enjoy those beautiful waterways—the best in the world—to the fullest extent possible. In answer to the question, this is a government that can walk and chew gum. The Government considers all of those things together—rightly so—in the interests of the people of New South Wales and the fish of New South Wales.

#### WESTERN SYDNEY BUSINESSES

**The Hon. PETER PRIMROSE (11:27):** My question without notice is addressed to the Treasurer. Will the Treasurer update the House on businesses leading the way in Western Sydney?

**The Hon. DANIEL MOOKHEY (Treasurer) (11:27):** I thank the Hon. Peter Primrose for his question and his ongoing interest in the businesses of Western Sydney, as it gives me the opportunity to inform the House that I had the privilege of attending the Western Sydney Awards for Business Excellence [WSABE] gala last Friday night. I was joined by my good friend the Hon. Scott Farlow and several colleagues from the other place who included the member for Parramatta, Donna Davis, and the member for Granville, Julia Finn, to celebrate the nominees and winners in what is an amazing local economy in Western Sydney as they gathered for the thirty-fourth time to celebrate and recognise Western Sydney businesses. I was really pleased and I can report to the House that a wide field of awards were handed out that evening, with more than 50 people and businesses nominated across eight categories, which included innovation, leadership, microbusinesses, startups, large businesses and small and medium-sized enterprises, community organisations, employers of choice, and awards for diversity and inclusion.

**The PRESIDENT:** Order!

**The Hon. DANIEL MOOKHEY:** I have to say I thought that once upon a time the Liberal Party cared about small business. But, if those opposite do not, I will stay here and tell them about some of the great small businesses in areas ranging across Western Sydney.

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

**The Hon. DANIEL MOOKHEY:** This year's WSABE winners are from areas ranging from Granville, Seven Hills, Casula, Earlwood, Rhodes, Northmead, Narellan and Parramatta. The winners included Kairos Care, a disability support organisation, for Excellence in Innovation; Kids United, an out-of-school-hours care provider, for Excellence in Diversity and Inclusion; and h&h Accredited Training, a family-run training college helping young people gain skills for the past 30 years, which won Business of the Year. The winner for outstanding leadership was Julian Fayad, who founded LoanOptions.ai, which helps people access finance more easily using new technology. The Government recognises the entrepreneurship, the risk-taking and the hard work that these businesses are engaging in under tough economic conditions. There was once a time that we had bipartisan support for those who were engaged in small business.

**The PRESIDENT:** The Hon. Jacqui Munro will cease interjecting.

**The Hon. DANIEL MOOKHEY:** I am really pleased that we are backing our small businesses in New South Wales through our expanded Service NSW Business Bureau and by investing in the skills and infrastructure that businesses rely on. I congratulate the Parramatta Chamber of Commerce for organising the event. I congratulate the president of Business NSW, Lyall Gorman, for his outstanding leadership. We back small business in Western Sydney and across New South Wales.

#### **WILDLIFE SAFETY AND ROADS**

**Ms SUE HIGGINSON (11:30):** My question without notice is directed to the Minister for Roads, representing the Minister for Transport. As of 21 September, 38 koalas have been killed by vehicle strikes at known hotspots on Appin Road. The most recent report was of the tragic death of a koala joey on Friday 20 September. Will the Government immediately reduce speed limits and install road speed safety cameras at the known koala strike and death hotspots—or at least until the completion of the koala underpass project—to prevent the local extinction of this precious and iconic marsupial mammal in south-west Sydney?

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (11:31):** I thank the member for her question and interest in the issue. It is a very serious issue at the moment. I answer it in my own capacity as the Minister for Roads given the question is about Appin Road. Firstly, there are some serious issues on Appin Road. As the member observes, a number of koalas have died there. We are also concerned about the number of animal strikes across New South Wales, which has risen in recent weeks. That is of concern to Transport for NSW, so it is a very appropriate question to be asked in the House today.

Hotspots can change over time. Kangaroos and wombats are the most reported species involved in animal strikes across New South Wales, but koalas are the most impacted threatened species. That is why Transport for NSW has particularly focused on that challenge. During budget estimates I spoke about one of the issues on Appin Road. Lendlease had advised Transport for NSW that strong winds on 28 August had caused parts of the temporary koala exclusion fence to fall over. That issue was not a risk to road users, but it was a risk to animals.

There were issues rectifying the fence due to those high winds. Since then, Lendlease has been able to reinstate the fence. That work included installing concrete blocks at the base of the fence to reinforce and better support it in strong winds, ensuring that it stays in place. However, we still have concerns about what is happening there. I am advised that staff from Transport for NSW are meeting today to discuss other mitigation measures available to further reduce koala vehicle strikes. Given the concerns, that meeting is specifically about Appin Road. I will be happy to provide further updates to the member on a future occasion.

Speed zones are managed through the NSW Speed Zoning Standard. I indicate to the House that animals are a factor that is weighed up when we set those speed limits under the standard. That builds on a wildlife strike symposium hosted by Transport for NSW and the Government in May 2024, which included a number of incredible experts on those issues. We were also grateful to have the Hon. Emma Hurst at the symposium. We expect there will be a future directions report to summarise the outcomes by 2024. The report will look at a number of possible solutions. We will look to Appin Road and similar places where we might trial some of those solutions.

**The PRESIDENT:** I welcome to the Parliament students from Cammeraygal High School, who are participating in the Legal Studies and the Legislature program conducted by the Parliamentary Education and Engagement team. You are all welcome here today.

## NURSES AND MIDWIVES INDUSTRIAL ACTION

**The Hon. NATASHA MACLAREN-JONES (11:34):** My question is directed to the Leader of the Government. Yesterday Shaye Candish, secretary of the NSW Nurses and Midwives' Association, told thousands of striking nurses, "We're seeing this Government make nurses or midwives feel guilty or greedy for asking for pay." Why is the Minns Labor Government making our nurses feel guilty and will it apologise to them?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:35):** I could refer back to my previous answer during question time, given it is basically the same question, but I think members need to be really serious. Nurses and midwives are incredibly important in New South Wales. They care for us when we are ill in our hospitals, deliver our babies and look after our ageing parents. They are incredible. During COVID they were heroes fronting up to work every single day, especially at the beginning of the pandemic, when we were not even sure how deadly it was or what the impact would be. All members recognise and respect the work that nurses, midwives and other health workers undertake. It is also the case that there is currently a negotiation going on in relation to wages and conditions, which is not an unusual thing. It is actually the way in which negotiations are undertaken.

**The Hon. Daniel Mookhey:** Or not at all.

**The Hon. PENNY SHARPE:** Yes, the previous Government did not want to do it at all. The point is that it is actually how the process works.

**The Hon. Damien Tudehope:** We gave them real wage increases, unlike Government members.

**The Hon. PENNY SHARPE:** The previous Government had them down for zero and it had a wage cap.

**The PRESIDENT:** Order! I remind members that interjections are disorderly at all times, as is responding to them.

**The Hon. PENNY SHARPE:** The Leader of the Opposition does not like it when we point out the fact that the previous Government basically capped nurses' wages and left 1,200 nurses unfunded into the future, which we then had to fund. There was a big black hole in the middle of the previous Government's budget in terms of its care for nurses. Let us also remember that those opposite refused to entertain any suggestion of safe staffing ratios; they absolutely rejected it out of hand. I have a great deal of respect for the secretary of the NSW Nurses and Midwives' Association and have met her on many occasions. She is doing a very good job representing the views of her members. Those opposite can try to pick at the threads of a normal process and suggest there is some bad faith going on, but it is just not the case.

**The Hon. Sarah Mitchell:** They're not happy. It's not us; it's them. It's the nurses saying it.

**The Hon. PENNY SHARPE:** Members opposite do not like it when the Government accepts the way the process operates. They fundamentally misunderstand the relationship the Government has—

**The Hon. Damien Tudehope:** Did you read the signs at the protest?

**The Hon. PENNY SHARPE:** They're actually pretty good at the signs. We love a good sign.

**The Hon. Sarah Mitchell:** The signs didn't show that it was a good relationship. They said some lovely things about the Premier.

**The Hon. PENNY SHARPE:** I know that the Hon. Sarah Mitchell is really upset, but she needs to calm down. The whole point is that we respect nurses and midwives. We are working through the process and we will continue to do so in good faith. [*Time expired.*]

## HOUSING SUPPLY

**The Hon. MARK BUTTIGIEG (11:38):** My question without notice is addressed to the Minister for Housing. Will the Minister update the House on the work the New South Wales Government is doing to build more homes to tackle the housing crisis?

**The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (11:38):** I will. Members might drive past a derelict vacant lot on the corner of William and Palmer streets in the heart of Sydney. It is asphalt, with an odd shoe in the corner somewhere. As I stood at that site yesterday morning, I thought about how that vacant lot is emblematic of the missed opportunity that was the previous Government's approach to housing policy for over a decade in New South Wales. That derelict vacant lot in the heart of Sydney is one of 10 sites announced yesterday as part of the next tranche of our land audit to identify surplus government land available for housing. That site is one of the 10 announced yesterday, on top of the four we announced earlier this year,

bringing the number to 14. It has been sitting vacant with old newspapers blowing across it for years, since the Eastern Distributor was opened. I think there was a school on the site then.

I give credit to the Minister for Roads and the Minister for Transport for actively and enthusiastically participating in the land audit. Transport for NSW identified the site as surplus to its use and put it in the land audit. Our Government has taken a systematic approach, grabbed those missed opportunities and turned them into pure gold. On this site, that will result in 49 desperately needed social homes. That is the work that this Government has undertaken since it took office, and it is starting to pick up pace. We have now identified 14 sites that will deliver close to 2,000 homes, and there are more to come. Members are familiar with our commitment of 30,000 homes to be built. We are just beginning. Yesterday we announced nine new sites in Sydney and one in Newcastle. Shout-out: We know the regions are also important. People are desperately crying out for more homes there. It is important that we recognise that regional sites are part of the land audit.

It was exciting to stand in that vacant lot and see the fruits of the Government's work. Land is a huge barrier to housing; it is the biggest cost. In fact, land and the nimbyism of the Opposition would be the two top challenges to housing. Members opposite have to accept what they cannot control. We can control the land and we are bringing it online in an organised and systematic way. Yesterday it was great to announce another 10 sites. I assure the House there are more to come.

### COMPANION ANIMALS AND PUBLIC TRANSPORT

**The Hon. EMMA HURST (11:41):** My question is directed to the Deputy Leader of the Government, representing the Minister for Transport. Companion animals are not allowed to travel on most forms of public transport in New South Wales. This policy prevents those without a car from getting around the community with their animal, including going to the vet, and it is a disincentive for people to make the environmentally friendly decision to use public transport. The House previously passed a motion calling on the Government to investigate allowing animals to travel on public transport and undertake detailed consultation with stakeholders. Will the Minister update the House on the investigations and consultations being conducted and advise whether we can expect to see a trial allowing animals on public transport soon?

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (11:42):** I thank the Hon. Emma Hurst for her question. As she observed, she has asked about this issue before and taken a close interest in it. I can give an update to the House about where we are up to. At a top level, we know that passengers who are pet owners would benefit from being able to take their pets on public transport. The issue that the transport agency is balancing is that has to be weighed against the needs of others—for example, passengers with disabilities and passengers or transport workers with allergies. They are some of the examples.

Transport for NSW is working on a plan to undertake more detailed stakeholder engagement. It will begin with people with disabilities and transport workers. The goal is to improve accessibility across the public transport network, but we have to make sure that it does not impact on accessibility for other passengers. That is the complexity of this policy area. Consultation will commence with those organisations that I have stated. I take on notice the timing of that consultation.

I make some observations about the current rules and laws that apply. Pets are companion animals and are already able to travel on buses and ferries if they are suitably confined in a box, basket or other appropriate carrier. It is also up to the bus driver or ferry crew, who can refuse to let that be the case. Each rail operator sets their own terms and conditions. Sydney Trains, NSW TrainLink and the Sydney Metro do not allow pets at stations or on trains or coaches. Passengers on light rail can travel with pets, provided that the animal is suitably confined. There is a distinction between pets and assistance animals. Assistance animals have public access rights under the Disability Discrimination Act 1992. Trained assistance animals are not deemed to be pets, and there is quite a strong distinction in the law.

Representatives from Guide Dogs and Lions Hearing Dogs have raised issues regarding the safety of some of these highly trained assistance animals when faced with other self-identified assistance dogs that may not have received the same level of training. That is an indication of the sorts of issues that may arise and why we need to have careful consultation. That is a quick tour of some of the issues. The Government is particularly active and the Minister has taken an interest in making sure that people with assistance animals are able to access taxis. The Point to Point Transport Commissioner has been undertaking inspections and covert operations to make sure those rights are protected.

**The Hon. EMMA HURST (11:45):** I ask a supplementary question. I note that the Minister said that he would take on notice the timing of when the consultations would begin. I ask the Minister if he is aware of when that full consultation is expected to finish, the timeline of that process and when we can expect trials to begin.

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (11:45):** Those are entirely reasonable questions. I do not have that information at hand. I will take on notice when the trial will begin and when it is expected to conclude and update the House as to the latest information. Clearly, the consultation will occur. We have set out details about with whom it will begin, but I will get the extra detail that the member has inquired about.

### SOLAR ENERGY INDUSTRY

**The Hon. JACQUI MUNRO (11:46):** My question is directed to the Minister for Energy. Matthew Summerville of RenewCo Solar has stated that trade schools are now strongly recommending apprentices against going into solar due to the volatility of the industry based on the changes to the battery rebate scheme following the Government's first announcement of the rebate and the changes that have occurred in that time. What work has the Minister done with the Minister for Skills, TAFE and Tertiary Education to address this problem?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:47):** I thank the honourable member for her important question. We want and need skilled workers for renewable energy into the future. In fact, we need thousands of them. The students sitting in the gallery today should know that there are good, secure jobs within the renewable energy sector that could take them anywhere they want to go in the coming decades. In New South Wales over a million people already have rooftop solar. Solar farms are being built. We have skills gaps and worker gaps in relation to this, and we are doing everything we can to encourage people into this work.

I am concerned if it is the case that people are not recommending working in this area because it is too volatile. There is a huge amount of work and there are many vacancies and opportunities for those thinking about what they are going to do. There are new jobs in the renewable energy sector that people have not contemplated before. There is a lot of work in environmental assessments and community consultation.

**The Hon. Jacqui Munro:** Point of order: My question was quite specifically about what work the Minister had done with the skills Minister to address the problem.

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

**The Hon. PENNY SHARPE:** We are working across government to address all of the issues in relation to skills shortages and wanting the workers of the future. I was pleased to visit a range of TAFEs and other places to support things like gasfitters and the Hydrogen Centre of Excellence. There is very good news about the Peak Demand Reduction Scheme [PDRS]. People in New South Wales will be able to access batteries and get between \$2,000 and \$2,800 off the cost of those batteries. That is on top of the other work that we are doing on the Consumer Energy Strategy. Government members have been working closely together, but the timing of the announcement occurred in the way that it did because we have to work with the Independent Pricing and Regulatory Tribunal on the rules and the way in which the system works.

The PDRS is a market-based scheme and is not straightforward. We also have to put in place the safety and compliance arrangements so that people who work in the area are properly accredited and safety is dealt with properly. We need to take that incredibly seriously. Only this Government is putting money into compliance and safety work, which to date has not been there. People need to have confidence that the products that they are installing in their homes are safe and are installed by excellent and incredibly skilled workers—the State needs lots of them. If people are saying not to take those jobs, that is an error. Government members welcome all workers, and we want to work with all industries because we will need people in the future. To those students sitting in the gallery, there are great jobs in renewable energy—come on down.

### NUCLEAR ENERGY

**The Hon. BOB NANVA (11:50):** My question without notice is addressed to the Minister for Energy. Will the Minister outline to the House how the Federal Coalition's nuclear plan would impact New South Wales?

**The Hon. Mark Latham:** Point of order: Questions have to be directed to the Minister's ministerial responsibilities. As a State Minister, the Hon. Penny Sharpe has no responsibility for the energy plan of a party in opposition in another Parliament in Canberra.

**The PRESIDENT:** I look forward to hearing what the Minister has to say on that particular issue, but she will determine whether that is the case. The Minister has the call.

**The Hon. Mark Latham:** To the point of order: I am asking you as the President to determine whether she has ministerial responsibility. Ministers do not determine their own responsibilities. As President and as a

guardian of the standing orders, you must determine whether she has ministerial responsibility and whether the question is in order. What sort of answer was that?

**The PRESIDENT:** Perhaps I could have expressed myself better, Mr Latham. The question is in order because it deals with the potential impacts of the energy policy within New South Wales. I should have said that the Minister will answer the question in the way that she sees fit. I determine that the question is in order.

**The Hon. Wes Fang:** Point of order: The question is hypothetical in its nature because the Federal Opposition has not yet been elected to government.

**The PRESIDENT:** There is no point of order. There is a longstanding tradition that members talk in this place about any other potential plans that might be available for comment. The Minister has the call.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:53):** In the inflation figures that have come out today, I note that there has been a 17 per cent decrease in energy bills in the past 12 months. Every member in the House would welcome that. It is the largest annual fall on record, and it is very important.

**The Hon. Mark Latham:** Yes, with Government rebates adding to inflation.

**The Hon. PENNY SHARPE:** Everyone can be upset about it, but I think that households are pretty pleased about it. But that is a matter for the Hon. Mark Latham.

**The PRESIDENT:** Order! The Minister will be heard in silence.

**The Hon. PENNY SHARPE:** The Federal Leader of the Opposition made a speech this week in which he outlined some of the ideas that will be under consideration across New South Wales in the lead-up to the Federal election. There was not a lot of new detail about it and the plan remains uncosted, but we need to understand what it means for New South Wales. One thing that Mr Dutton got right is that energy underpins our economy: It is fundamental to our economic prosperity, to jobs and to the community's health and wellbeing.

Admittedly, the plan needs to be sketched out a little bit, and I acknowledge the Hon. Wes Fang's suggestion that it is hypothetical at this stage. The difficulty is that without a proper plan, we will delay the decarbonisation of the electricity grid. Three out of the four coal-fired power stations are due to retire in 2035, and we do not have anything that can replace them. The cost of building out a nuclear industry is many billions of dollars more than what we currently have, and the real issue is who will pay. How much will taxpayers and consumers have to pay? It is a recipe for longer lived coal-fired power stations.

**The Hon. Sam Faraway:** You're the one extending them.

**The Hon. PENNY SHARPE:** I know you don't like this, but the point is about blackouts, price spikes and higher prices for households. Clearly, those are not things that members opposite care about. It is also about losing the investment that is happening across the State. Over \$32 billion worth of investment coming down the line is under threat as we deal with this. Members opposite like to talk about sovereign risk, regional development and billions of dollars of investment in renewables, but they do not do it. I make the point that the hypothetical plan, as acknowledged by the Hon. Wes Fang— [*Time expired.*]

#### STATE BUDGET

**The Hon. MARK LATHAM (11:55):** My question, which is very much in order, is directed to the Treasurer. I refer the Treasurer to his answer in the House last Thursday when he said that a careful reading of the Reserve Bank of Australia [RBA] governor's criticism of the size of the New South Wales budget deficits—which are adding to excessive demand, inflation and interest rate pressures—was, "predominantly, a historically inherited position". Can the Treasurer explain to the House how his budget deficits for financial year 2024-25 and the next three financial years through to 2027-28—totalling more than \$10 billion into the future, not the past, with gross government debt rising to \$199 billion—will assist the Reserve Bank in lowering inflation and cutting interest rates?

**The Hon. DANIEL MOOKHEY (Treasurer) (11:56):** I can, and I thank the Hon. Mark Latham for his question and for taking such a strong interest in budget management and the budget papers. Quite genuinely, it is very good that members do that. I know that his example is inspiring the shadow Treasurer, and I know that the shadow Treasurer will one day pick up the budget papers and ask me a question as good as that. I am sure that when the shadow Treasurer learns how to read the budget papers, he will be at me as hard as the Hon. Mark Latham is about what all the numbers mean. But the member asked me how the budget is assisting the Reserve Bank in lowering inflation.

**The PRESIDENT:** Order! The Leader of the Opposition will cease interjecting.

**The Hon. DANIEL MOOKHEY:** Firstly, as the Leader of the Government just pointed out, 20-odd minutes ago we got the monthly consumer price index [CPI] figures. Those figures show that for the first time—

**The Hon. Mark Latham:** Point of order: The Treasurer is 50 seconds into his answer and has not addressed anything in my question regarding the size of the deficits and debt in New South Wales, which are adding to inflationary and interest rate pressures. He is off on a tangent about the Leader of the Opposition and energy rebates.

**The PRESIDENT:** I have substantial sympathy with the point of order. The Treasurer will come back to the question.

**The Hon. DANIEL MOOKHEY:** I was making the point that the CPI figures came down to 2.7 per cent on a monthly basis. That is, of course, in line with the RBA's projections in the *Statement on Monetary Policy* to which the Hon. Mark Latham referred last week and again this week. Underlying inflation has dropped from 3.8 per cent to 3.4 per cent in the past month on a 12-month basis, which shows that a series of interventions are obviously lowering price pressures in the economy, which anyone who cares about household budgets cares about. First, the Hon. Mark Latham asked me what we were doing with respect to our position. The one part that the member refuses to acknowledge in the budget papers—which he has diligently read—is the expense growth trajectory. He asked me what the Government is doing to assist the RBA in its task. It is being very diligent about every additional dollar that it is spending. That is why expense growth is projected to be 1.7 per cent over the four-year period.

Secondly, the Hon. Mark Latham referred to the budget papers. I encourage the member to turn to the RBA cash statement, which matters a great deal. For the first time in years there is a cash surplus in New South Wales. This year it is \$8 billion. That matters. If we strip out the accounting treatment in the operating result and look at the cash result, there is an \$8 billion cash surplus. As a result, despite absorbing the \$12 billion GST shock, I am still lowering \$9 billion worth of gross debt. Because the member is a diligent reader, he would know that the cash surplus and the lower debt are not accidental; the two are correlated. The fact that we are pulling cash out and are no longer borrowing to pay for our day-to-day bills is helping the RBA to manage inflation. I am proud of the fact we have billions of dollars of cash surpluses over the next forward estimates. We have a lot more work to do on the operating result.

**The Hon. MARK LATHAM (12:00):** I ask a supplementary question. Will the Treasurer elaborate on his answer about energy prices, given that the CPI result is the product of very expensive government energy rebates? The RBA has been highly critical of such rebates and has pointed out that they add to government deficits and debt and make inflation and interest rate pressures even worse.

**The Hon. DANIEL MOOKHEY (Treasurer) (12:00):** When it comes to energy prices, even if we strip out the effect of the rebates on the trimmed mean, they are still lower.

**The Hon. Penny Sharpe:** They have come down—that's right.

**The Hon. DANIEL MOOKHEY:** They are still coming down, and that is a good thing. Who is complaining about lower energy price growth without a rebate, and who is complaining about lower energy price growth with a rebate? What, precisely, is the problem with people paying less for power? What is the problem? If we strip out the effect of the rebates, electricity prices are still about two points lower than last month. That is good. It shows that the interventions this Government has made, particularly given that most power is produced here in New South Wales, are helping. We are getting on with the job of building replacement power, giving certainty to the market, giving people an indication of the likely price path and showing people what the likely energy supply is, and that is a good thing.

The fact that people therefore have much more understanding about the long-term prices they can contract for is also a good thing. I make the point that 63 per cent of power in New South Wales is consumed by businesses, and businesses contract very differently to households. The fact that businesses now have more price certainty when they enter into long-term agreements is a good thing. The Government is not going to make any apologies for the fact that power price growth is dropping on an underlying basis that includes the rebates. The member's broad supplementary question referred to comments from the RBA. To be fair, the Governor of the RBA has not said anything like what the Hon. Mark Latham has just implied.

#### FISHERIES OFFICER SAFETY

**The Hon. SCOTT BARRETT (12:02):** My question is directed to the Minister for Agriculture. On 17 September the Minister said of Fisheries officers, "On some occasions they carry out dangerous work, and I want to make sure that they are safe". That same day, the Public Service Association [PSA] wrote to the Deputy Secretary for Fisheries and Forestry setting out the current risks faced by Fisheries officers, including the risk of

assault by armed criminals during night-time inspections of trawlers. In response to the reply from the deputy secretary, the PSA has resolved to continue industrial action. What steps is the Minister taking to end the ongoing ban on inspections outside of daylight hours by addressing the concerns of Fisheries officers?

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (12:03):** I thank the member for the question. It is correct that the Public Service Association has issued a work ban for its Fisheries officer members from 11 September. That was canvassed in the House last week. I understand that the department has met and corresponded with the PSA and its Fisheries officer members on a number of occasions to better understand the issues raised and work to resolve them. I also understand the department has lodged a dispute in the NSW Industrial Relations Commission to have the matter conciliated and to get Fisheries officers back to their full duties. I also indicated last week that I have met with PSA representatives directly to try to get a better understanding of their concerns and their requests. I will continue to have those discussions as appropriate.

I reassure the House that both the department and I, as Minister, take the safety of Fisheries officers very seriously. I recognise that their work has inherent risks associated with certain activities, and those risks are assessed and managed with great care and attention by their employer, the department. It is a foundation of the Fisheries officer safety framework that if officers do not feel safe at any time, they are directed to withdraw immediately from any situation. Where officers are dealing with suspected criminal elements, they are to work with the NSW Police Force and involve the police in any suspected serious criminal or organised activity. That has been discussed between the department, the PSA and me. Fisheries officers will continue to work closely with the NSW Police Force. Officers have raised concerns and questions about consideration of increasing their powers. Some of those things are outside my remit and are requests that the police will need to consider. We will continue to work through those issues. This matter is before the Industrial Relations Commission. I look forward to the outcome of that work.

**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*

#### **WILDLIFE SAFETY AND ROADS**

**The Hon. MARK LATHAM (12:06):** My supplementary question for written answer is directed to the Minister for Roads. Will the Minister elaborate on his efforts to protect native wildlife from becoming roadkill through special arrangements such as underpasses, signage and speed limits? First, is he aware of the tragic death last month of two wombats on Calf Farm Road, Mount Hunter, near the Spring Creek Road intersection? Secondly, what action is he taking through underpasses, signage and speed limits to protect the beautiful wombat colony at the corner of Calf Farm Road and Spring Creek Road in Mount Hunter? Finally, why does the Government, in its anti-roadkill policy, discriminate in favour of koalas and discriminate against our beautiful wombats simply because they cannot climb trees?

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

**The Hon. DAMIEN TUDEHOPE (12:07):** My supplementary question for written answer is directed to the Leader of the Government. Has the Premier met with the Nurses and Midwives' Association?

#### *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 (12:07):** I take note of answers to questions about the Government's dealings with the Nurses and Midwives' Association, and its defence of the process that has been adopted. The mutual gains bargaining system was much trumpeted by the Government and used as an inducement to vote for the Labor Party for those who wanted a new industrial relations system. It is clear that the system is a figment of the Government's imagination and was used for the purposes of misleading the unionists whose votes the Government sought at the election. That is why Shaye Candish and others have come out and said that this is hollow bargaining and that the manner in which the Government bargains with frontline workers has been hollow and erratic.

Labor criticised us because we made an offer of 0 per cent when in government. I have a history lesson for the Hon. Emily Suvaal. I understand that she was not here when that occurred and she does not know, but when

she comes to the House wanting to allege that the Opposition is trumpeting the fact that it offered 0 per cent, she should recognise that that was in circumstances that mirror the Government's current offer of 10.5 per cent. The honourable member does not accept that bargaining was available and a determination was available in the Industrial Relations Commission. And guess what? The frontline workers went to the Industrial Relations Commission for a determination.

Offers were made to the union and, against the better advice of many members opposite, the union rejected the offer of \$1,000 by the Government at the time. And guess what? The industrial umpire made a decision. What was the decision? It was an increase of 0.3 per cent. Rather than criticising the Coalition for making an offer at a time when many people were losing their jobs, the member should acknowledge the fact that we used the industrial umpire for the purposes of making a determination, and the determination was 0.3 per cent. [*Time expired.*]

## STATE BUDGET

### WILDLIFE SAFETY AND ROADS

#### COMPANION ANIMALS AND PUBLIC TRANSPORT

**The Hon. MARK LATHAM (12:10):** I take note of the Treasurer's answer about the impact of energy rebates. There is no doubt the Governor of the Reserve Bank has made clear her opinion that the expensive rebates in the last Federal Government budget would see a temporary reduction in inflation that would wash out straightaway and return to the old setting. So the underlying inflation rate is not impacted by those rebates. The Federal and State impact of those expensive rebates is to add to budget deficits and debt and put upward pressure on inflation and interest rates.

The Treasurer needs to check those comments, look at the impact of the recent Federal Government rebate on the consumer price index announcement today and understand that it has no positive long-term impact on reducing inflation and that, by virtue of adding deficits to debt, it puts upward pressure on interest rates and makes it harder for the Reserve Bank to lower the cash rate. That is the economic reality. The Treasurer did not answer my question about his own impact, looking forward, of over \$10 billion of budget deficits in the forward estimates, adding to State debt and bringing it up to a gross debt figure of \$199 billion. I suggest the Treasurer table those documents and correct himself in the House.

The second point I make is to ask why the Government discriminates against wombats. The disastrous koala State environmental planning policy of the previous Government saw Parramatta Stadium named a koala habitat; Green Valley, where they ripped out every tree, was a koala habitat; and roundabouts around the State were koala habitats. Everything was a koala habitat, and the poor, humble, beautiful, innocent wombat was totally ignored in the State environmental planning policies of the previous Government. The State environmental planning policy had to be ripped up because it was a joke. We found out that the Government only worried about koalas because they climb trees and they were trying to protect the trees. Wombats are slaughtered through roadkill as much as koalas. The poor wombat is discriminated against. I am taking it to the Anti-Discrimination Board of NSW because the wombat does not get the underpass, the signage or the speed limits.

**The Hon. Bob Nanva:** What about the rat?

**The Hon. MARK LATHAM:** The who?

**The Hon. Cameron Murphy:** The broad-toothed rat.

**The Hon. MARK LATHAM:** The broad-toothed rat? Bob Nanva is a fan of the broad-toothed rat. Why is he not standing up to say that it is discriminated against while the koalas get all the spending on lavish underpasses, signage and speed limits? The poor marsupial rat gets nothing. It is the same case as for the wombat; it cannot climb trees. The Government is not interested in the animals; it is only interested in protecting the trees. I invite the Hon. Bob Nanva to make a joint submission along those lines to Anti-Discrimination NSW to correct the Government's policy. My final point is in regard to the answer on pets on trains. Yes, we should have run that trial. But, most importantly, we should encourage French bulldogs to get on trains and provide the entertainment, love, compassion and eccentric behaviour that will enliven every commuter's trip. [*Time expired*]

#### NURSES AND MIDWIVES INDUSTRIAL ACTION

**The Hon. MARK BUTTIGIEG (12:14):** Mr President—

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

**The Hon. MARK BUTTIGIEG:** Thank you, MB! I could not help but participate to point out the rank hypocrisy of the members opposite who came in here again today and attempted to compare their pathetic record on workers—in this particular case, nurses—with the Government's. I remind the House that during COVID,

when nurses were performing the highest value duty one could ever imagine for the community by looking after infected people in hospitals and exposing themselves to that disease, the previous Government enforced a 0 per cent wage cap.

Outside of COVID, it was an average of 2.5 per cent, resulting in \$3,000 in wage suppression. Over the decade from 2012 to 2022, the average nurse's wage had gone backwards, in real terms, by \$3,000. Compare that to the record of this Government, which has been in power for 18 months. It removed the wage cap and lifted wages with a 4.5 per cent increase last year, and the offer currently on the table would result in a 40 per cent increase in nurses' wages. As I said in the take-note debate yesterday, it is not everything that the nurses would like, and the Government would like to pay them more. But if the Opposition is going to come into the Chamber and compare its record on working people with ours, it must be joking.

On top of that, we had the ratios for which nurses were begging for over a decade and which members opposite did nothing about when in government. Is it any wonder New South Wales could not retain nurses because they were stretched in the hospitals? To his credit, the Minister for Health is starting to implement those ratios. The nurses have had some big wins in that area. Again, it is not everything they would like—or even that we would like—but it is a damn sight better than when the members opposite were in power. We now have retention rates of an extra 2,000 full-time equivalent nurses, and we have put on over 1,000 extra nurses. Again, those are frontline workers who helped us through the pandemic.

Labor was elected on a platform to deliver, and that is what we are doing. Is it as good as the nurses would like? No. Is it as good as we would like to pay? No. But the Government has limited resources and is doing the best it can within that limited resource envelope to make good on its election promises. The reason we saw nurses protesting in front of Parliament yesterday is that they know that under this Government they have the capacity to negotiate under a revamped Industrial Relations Commission, which actually serves as a proper clearing house where unions can make their claims.

## HOUSING SUPPLY

### WESTERN SYDNEY BUSINESSES

**The Hon. SCOTT FARLOW (12:17):** I take note of the answers by the Minister for Housing and the Treasurer. I will start with the Minister for Housing and the land audit. I welcome the fact we have had the land audit in New South Wales but I am concerned about how long it has taken. The Premier said that process would be completed within months. More than a year after that declaration, what are we seeing? We have seen 14 sites announced. As a result of the land audit, we have seen that some of those sites have been delayed. The Clothing Store site at Eveleigh was already put out to market for 600 build-to-rent apartments under the former Coalition Government, and that project was scrapped. Now we are back to the drawing board, and we will be waiting even longer to see more homes delivered in Eveleigh. Funnily enough, while the former Coalition Government announced that 600 build-to-rent apartments would be put out to market and it was looking for people to develop that site, this Government has now reduced that to 500 apartments. It was not like nothing was happening. I welcome the land audit, but I am concerned at how long it is taking.

While those 14 sites have been announced, I am concerned that it has not been announced when the first of those homes will be delivered, and we have not been told what the process will be in terms of seeking private sector partners. Despite the Minister's assurances and declarations, even as recently as March, that there would be at least 30 per cent social and affordable housing on every single site, we have seen that it will not be the case in some instances and that there will be 100 per cent private development on some of the sites. I remember that members opposite used to call that "New South Wales for sale". Now that Labor is in government, those members have got with the program and they understand that we need the private sector to build more homes in the State.

To reflect on the Treasurer's comments with respect to the Western Sydney Awards for Business Excellence, I too was there with the Treasurer on the evening celebrating Western Sydney's business success stories. The Treasurer regaled us with a story of his Western Sydney business: a lawnmowing company without a lawnmower. I regaled the audience with my stories of Western Sydney business. I too had a lawnmowing company but, unlike the Treasurer, I had a lawnmower. Maybe my Western Sydney business success story was a little bit more successful. Unfortunately, small businesses across the State are going out of business at record rates. In Australia last year 4,634 businesses went into insolvency, 42 per cent of which were in New South Wales. That is not a record that this State should be proud of. The Labor Government needs to do more to support small business than just turning up to awards.

## WILDLIFE SAFETY AND ROADS

**The Hon. TANIA MIHAILUK (12:20):** I make a brief contribution on the question that was put by Ms Sue Higginson to the Hon. John Graham about the koala road deaths, particularly in south-west Sydney. The

Minister gave a pretty good response about what the Government is doing working towards building the underpasses and fences along Appin Road. It is interesting that the Hon. John Graham is so concerned about koalas and trying to save them; he might want to have a good conversation with his colleague the Hon. Penny Sharpe. The Hon. Penny Sharpe appeared on the front page of *The Daily Telegraph* today. The article made it pretty clear that all bets are off for koala habitats when it comes to land clearing for transmission lines. NSW Labor does not want koalas to get in the way of renewables. How hypocritical is that!

I acknowledge Valley Alliance, which issued an ecological report that indicated that Woolomin Gap, a natural koala habitat, will be severely impacted by the transmission lines that will connect the New England Renewable Energy Zone. The report also indicated that there will be an increase in chlamydia due to the stress on koalas. I would have thought that the Hon. Penny Sharpe would be concerned about that as well. I paraphrase good old Ray Hadley, who had a really good spray this morning. He said something like, "When it comes to timber, Minister Sharpe is cold. When it comes to mining, she is even colder. But when it comes to renewable energy, she clears the decks. All bets are off."

It is disappointing that the Labor Party seems to have one position one week when it comes to protecting koalas and then another position the week after. But I suppose the Minister should be delighted that the Telegraph used a reasonably nice, decent photo of her. She looked pretty good. She should be proud of that photo. Sometimes you get a bad, nasty story but you get a nice photo. As Minister Sharpe would know, I got a nasty story about me last week but luckily it was not a bad photo, although it was not as good as the one of the Minister on the front page today. Again, it reminds all members how hypocritical the Labor left often is. It will stop mining industries and the good old timber industry, but when it comes to renewables and transmission lines, all bets are off. Its members think, "Let's go for it and destroy as many koala habitats as we can. Who cares, as long as we get the transmission lines." That is, of course, to the great detriment of the wonderful regional communities but also of the koala habitats.

#### NURSES AND MIDWIVES INDUSTRIAL ACTION

**The Hon. EMILY SUVAAL (12:23):** I take note of answers provided by two of my colleagues about the recent industrial action of nurses and midwives. I acknowledge the general secretary of the NSW Nurses and Midwives' Association—and my former boss—Shaye Candish and recognise the work that she has done for the union. Shaye is a great role model, a great mentor and a great advocate for nurses and midwives in New South Wales. I want to highlight what this Government has done for nurses in comparison to what those opposite did. When I look at the 0.3 per cent wage increase awarded by the full bench of the Industrial Relations Commission—which, in my view, was stacked against public sector workers—context is everything. The Leader of the Opposition gave us his perspective of that decision, but my perspective was a little different. I may not have been in this Chamber at that time, but I was working as an official for the Nurses and Midwives' Association and I remember that dispute well.

I remember the then Government—now the Opposition—announcing in May that year the decision to freeze the wages of public sector workers across New South Wales. I remember our union, along with a number of other public sector unions—the Health Services Union and the Public Sector Association—joined together to push back and fight that decision. Ultimately, it ended up with the Government at the time refusing to negotiate or back down on its decision to freeze wages. It said that it could achieve savings of \$3 billion by pausing public sector wage rises and had earmarked that money for an infrastructure and job acceleration fund.

That was at a time when the then Premier made the decision to give an \$89,000 pay increase to the then police commissioner. On the one hand, the Government was freezing public sector wages—the wages of our nurses and midwives—while on the other, it was giving an almost \$90,000 wage increase to the then police commissioner. Context is everything. I remember that time well. This Government is the only one that will look after our public sector workers, including our nurses and midwives. This Government has achieved more in 18 months than those opposite did in 12 years. The Opposition has a very short memory, as it turns out.

#### NURSES AND MIDWIVES INDUSTRIAL ACTION

**The Hon. NATASHA MACLAREN-JONES (12:26):** I take note of answers given today to questions about the Nurses and Midwives' Association's industrial action yesterday. First of all, we know that when nurses strike, it is not done flippantly. It is a difficult decision that they make. I have worked on wards with colleagues who chose to strike, so I know the impact it has on not only other colleagues but also patients. The fact is that they have chosen to strike because this Government has turned its back on them. We heard the Leader of the Government say that this is the process. The message that this Government is sending to not only nurses but particularly the people of New South Wales is that they must learn to expect that there will be strikes, whether in health, transport or child protection.

Right across this State, strikes have been going on since March this year, but this Government is doing nothing. Its attitude is, "That is the process." When it comes to its so-called good faith bargaining, nothing is actually happening. There was no proper consultation or engagement. Thousands of nurses have been forced to go out on strike. Right across the health sector, people are complaining because emergency department wait times have gone up by well over four hours and cuts have been made to palliative care, particularly across regional New South Wales. Our staff and our hospitals are stretched, but the attitude of this Government is, "Get used to it. This is the process." The fact is that the people of New South Wales are waking up and realising that the Labor Government will not look after them. It is not looking after the workers. It has turned its back on the people of New South Wales.

## **CHOWDER BAY MARINE WILDLIFE**

### **WILDLIFE SAFETY AND ROADS**

**The Hon. MARK BANASIAK (12:28):** I take note of some of the questions and answers today, although I will focus more on the questions. I suggest that if members ask questions, they should know what they are talking about. I am referring particularly to the question to the Hon. Tara Moriarty about the bull rays at Chowder Bay. It was a case of not letting the facts get in the way of a good story. Bull rays are not endangered. The International Union for Conservation of Nature and Natural Resources declaration is that they are of least concern. Not only that, but there is a bag limit of five rays per person. The photos show that the two that were found in the water had been chewed on by other fish. The Greens might want to call that recycling, but I call that the circle of life. They actually fed people. The fishermen did the right thing by returning them to the water rather than leaving them on the rock shelf or the beach to rot. If members go to the fish market, they will see skate and ray wings on sale. This is a whole lot of nothing and garbage.

The Hon. Scott Farlow and the Treasurer could learn a lot about mowing and cutting grass from The Greens, because they seem to be doing quite well with the Animal Justice Party vote. The Hon. Mark Latham's contribution on wombats versus koalas is another case of The Greens' emotive claptrap. They asked questions in budget estimates hearings about so-called koala fences that had blown down on Appin Road. I drive that road regularly. I drove it that afternoon and, lo and behold, it was not koala fencing that had blown down; it was just temporary construction fencing. My tip for public servants who come to budget estimates hearings is not to believe the garbage that comes out of The Greens members' mouths when they throw out questions. If we are really concerned about discrimination against wombats in this weird and wonderful world where people can identify as anything they want, then perhaps Wally the Wombat should identify as Kiki the Koala.

## **NURSES AND MIDWIVES INDUSTRIAL ACTION**

### **HOUSING SUPPLY**

**The Hon. CAMERON MURPHY (12:31):** I take note of answers given by various Ministers about the nursing dispute. I have to call out Opposition members pretending for the first time that they are actually interested in workers' rights. Everybody in New South Wales knows that is utter garbage. What did we have when they were in government for 12 years? We had a wage cap that averaged about 2.5 per cent, and we had no rises during COVID. The heroes of the pandemic were told by the previous Government, "What do you get in return for all of the wonderful work you did during the pandemic? Absolutely zero." There was no bargaining framework.

Union members and their wonderful leadership—including the president of the Nurses and Midwives' Association, O'Bray Smith, and its secretary, Shaye Candish—are running a campaign within a bargaining framework. That may be an unusual sight for the Opposition, but it is actually normal. There are people doing a wonderful job for their members, and there is a government that is responsive to them within the mutual gains bargaining framework. They can go to a proper commission to be heard and to have their claims determined. None of that was possible under the "take it or leave it" approach of the previous Government. It was much like the approach of the former Federal Government, which said, "Either take your new agreement or take the sack." It was appalling for workers and for unions, but we have gone a long way towards correcting that.

I also take note of the answer given by the Minister for Housing in relation to the new premises being built by this Government, particularly in Woolloomooloo. The Hon. Scott Farlow has come in here and attacked the Government for not doing enough. What he should do is go and talk to his colleagues in both local government and in the lower House. They are the ones that are constantly saying they do not want any development on the North Shore, in Cronulla or on the northern beaches. The Liberal Party and the National Party seem to have a mantra that housing development is fine as long as it goes into Western Sydney or somewhere else that they do not represent people. We have to end that. The North Shore, the eastern suburbs and the shire have to take their fair share, and that is what this Government is doing.

**COMPANION ANIMALS AND PUBLIC TRANSPORT**  
**HOUSING SUPPLY**  
**NURSES AND MIDWIVES INDUSTRIAL ACTION**  
**WESTERN SYDNEY BUSINESSES**

**The Hon. SUSAN CARTER (12:34):** I take note of answers given by various Ministers today. Firstly, I take note of Minister Graham's answer to questions from the Hon. Emma Hurst that related to the timing of the consultation on pets on public transport. He did not give an answer on when the eventual timing could be expected. When pressed by a supplementary question, he took the timing of the implementation of the report on notice. I also take note of Minister Jackson's answer relating to the identification of sites for housing. My colleague the Hon. Scott Farlow identified that there have been lots of announcements about sites. When will the first person be able to live in the first house that may or may not be built on one of those sites? The Minister's process has delayed the implementation of this policy.

Minister Sharpe's answer discussed the great bargaining process that the Government has set up, but she gave no timeline as to when nurses can expect to actually get a pay increase. Minister Moriarty also had no timeline for when there would be an actual meeting with a representative of the Nurses and Midwives' Association. We are seeing lots of announcements and talk, but where is the implementation? The Government has had 18 months, and the training wheels are off. We need to start seeing some implementation by the Government. The Treasurer was the only Minister whose answer gave us any indication of when something had happened. His idea of engaging with small business is not to go out and talk to small businesses about the problems that they may be encountering or to meet with them about the real pressures that energy prices are putting on them.

Anybody who simply goes for a walk through any retail centre or down any high street, rather than going to a business awards night on a Friday, will see the number of small businesses that are closing. They are closing under the pressures of interest rates and energy prices. The only Minister who could say something with specific detail was someone who had dinner with small business owners rather than having a timeline, and who discussed when the pressures would be removed. Small businesses are the employment engine of this State. This Government is becoming an "all talk, no action" government. That is very damaging for the people of New South Wales in both the short and long term.

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

**TAKE NOTE OF ANSWERS TO QUESTIONS**

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (12:37):** I note that we are back to the bizarre industrial relations wars across the divide between the Opposition and the Government. I am happy to highlight the work of nurses over the course of question time this week. They are entitled to better recognition for the work that they do. I reiterate the answers given by Ministers in question time today that Opposition members are now pretending to be advocates for working people across New South Wales, and in particular for the public sector workforce. They did not look after them when they were in government for 12 years. They put a wage cap in place that sent public sector wages backwards in real terms.

As we have mentioned a number of times this week, during the pandemic the Opposition provided no pay rise to nurses across the State. Frankly, it is a bit rich for Opposition members to pretend this week that they have somehow found their soul and now want to be representatives for the workers. Workers in New South Wales will not forget that they were not supported for 12 years. They were not provided with proper wage recognition. The settings that were in place under the previous Government did not even allow them to try to get proper wage rises. We cannot believe a word that members opposite say, because they did not deliver when they were in government. In our first period in government, we have spent time setting up an industrial relations framework and system that will allow these matters to be dealt with in an appropriate way.

The Industrial Relations Commission has been given back powers that will allow it to be an independent umpire when necessary. That is a good thing for New South Wales, for the Government and for taxpayers. Workers and their representatives are able to advocate for their issues and now have somewhere to go to fight it out. We are doing a good job getting that sorted, and I look forward to the issues of the nurses being resolved. To quickly wrap up, I must cop to my brain freeze about mammals versus fish. I know a ray is a fish! I put it down to a lack of coffee, but it is important to acknowledge the debate today about how we deal with these issues. This Government is making sure that every voice is heard on them.

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

**Motion agreed to.**

#### *Committees*

### **JOINT STANDING COMMITTEE ON THE OFFICE OF THE VALUER GENERAL**

#### **Reports**

**The Hon. MARK BUTTIGIEG:** I table report No. 1/58 of the Joint Standing Committee on the Office of the Valuer General entitled *Sixteenth General Meeting with the Valuer General*, dated September 2024.

**The Hon. MARK BUTTIGIEG (12:40):** I move:

That the House take note of the report.

**Debate adjourned.**

#### *Written Answers to Supplementary Questions*

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

In reply to **the Hon. DAMIEN TUDEHOPE** (24 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:

I am advised:

Premier's Memorandum *M2015-05 Publication of Ministerial Diaries and Release of Overseas Travel Information* requires Ministers to publish summaries of scheduled meetings with stakeholders, external organisations, individuals and third-party lobbyists.

Disclosures are available on the New South Wales Government website at <https://www.nsw.gov.au/departments-and-agencies/the-cabinet-office/access-to-information/ministers-diary-disclosures>. Please also refer to the Legislative Assembly question time on 24 September 2024.

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

#### *Private Members' Statements*

### **VOLUNTARY ASSISTED DYING AND REGIONAL HEALTH CARE**

**The Hon. SUSAN CARTER (14:00):** I believe it is a good practice in this place that when we introduce new schemes of legislation, we require regular reviews and reports. This helps us to ascertain whether the legislation is working as intended or requires some change. It has become very clear to me as I move around the State that we are not the only people who read those reports. I have met a number of people who have read those reports and are eager to share their views. I have received a number of comments of late about the interim report of the NSW Voluntary Assisted Dying Board, which was set up to oversee the operation of the voluntary assisted dying laws in our State. The report provided data on and an overview of the operation of the first three months of the euthanasia laws in New South Wales. One stark figure has jumped out at all who have read this report: Over two-thirds of all requests to die came from regional New South Wales, where only one-third of our population lives. What is the reason for this disparity?

The concern, of course, is that this hard statistical data underlines the disparity of access to health care in our regions and the difficulty of accessing palliative care outside of our cities. This view is shared by Go Gentle Australia, which in its recent report on the state of euthanasia queried whether the disparity—two-thirds of requests to die coming from one-third of our population base—is because people living in regional areas have poorer health outcomes overall. It suggested that the lack of adequate health services and limited access to palliative care in the regions may be driving individuals towards voluntary assisted dying, which is the opposite of the choice that this legislation was designed to provide. However, Go Gentle notes that there is no real information that tells us one way or another whether this is true. Surely this raises an issue for investigation. Do our citizens in the regions have the same access to health care as those living in the cities? If not, why not?

It is unacceptable that geographical location should dictate the level of health care available to our citizens. Voluntary assisted dying is not, and was never intended to be, a convenient solution to a lack of support from the community or our State healthcare system, a system which includes palliative care. Having read these reports, one might suggest that when individuals in regional areas are faced with limited options for managing pain and suffering, they may feel compelled to choose voluntary assisted dying out of desperation rather than preference.

This is not a choice that anyone should have to make. There is no point generating reports if we do not listen to the messages they give us and act on the problems they disclose.

### ABORTION SERVICES

**Dr AMANDA COHN (14:03):** Abortion is health care. That was affirmed by this Parliament in 2019 when abortion was removed from the Crimes Act and regulated as health care, as it should be. It has been five years since the Reproductive Health Care Reform Bill 2019 passed. It was a critical first step to ensuring that safe and legal abortion is accessible across New South Wales. I am proud of the role The Greens played in the work across party lines that was required to achieve this, but since then not enough has changed. People who need an abortion are still impeded by cost, stigma and geography. As a former prescriber of medical abortion, I know all too well that people are travelling hundreds of kilometres away from home and support networks, especially in the bush, or paying hundreds of dollars out of pocket for what is medically straightforward health care. Every local health district notionally provides a pathway for abortion, but in many cases this pathway is to a private provider or to a different area, which is especially unacceptable for health care that is so time sensitive.

Here is what should be done to fix this. First, the legislation is due for an update. The Therapeutic Goods Administration now allows appropriately trained nurses and midwives to prescribe medical abortions, which are permitted up to nine weeks gestation. The same applies in Queensland. But our legislation is unnecessarily prohibitive, and this particularly impacts people in rural and remote New South Wales. It is time to remove onerous and bureaucratic mandatory reporting requirements, which do not exist in legislation for other similar medical procedures. We must ensure that conscientious objection, which is an important provision, is only exercised as intended by individual practitioners. Conscientious objection must not be weaponised to restrict access to care by whole departments or institutions. I have commenced drafting a bill to this effect and look forward to further consultation on this work as the next step.

Secondly, the New South Wales Government must provide at least first-trimester surgical abortion at every public hospital in New South Wales that provides reproductive health services, by tying service provision to funding. If a hospital provides birthing services and can support someone experiencing a miscarriage, it can provide abortion. This will not only address the postcode lottery but also provide a level of privacy for people who may not feel comfortable or safe accessing a standalone reproductive health service. The New South Wales Government should support GPs to become medical abortion prescribers so that people can access comprehensive reproductive health care in their community from a professional they already know and trust. This is medically straightforward but currently requires GPs to undertake additional training, unpaid and in their free time, because it is not a standard part of their training.

So many people fought for safe and legal access to abortion in New South Wales for so many years, but the United States of America is showing us how quickly that work can be undone. The best way to safeguard our hard work is to embed abortion within mainstream public health services. Abortion is health care. The Greens will keep fighting until it is safe, legal and free in every corner of New South Wales.

### DIABETES

**The Hon. EMILY SUVAAL (14:06):** The Federal Government's House of Representatives Standing Committee on Health, Aged Care and Sport recently tabled a report entitled *The State of Diabetes Mellitus in Australia in 2024*. The 270-page report is a sobering analysis of the state of play. The chair's foreword, written by my good friend and colleague Dr Mike Freeland, the Federal member for Macarthur, states:

Healthcare needs have changed and now, in the 21st century, we are faced with a number of challenges in dealing with chronic illness; the foremost of which is diabetes mellitus. We are now facing a situation where life expectancy may decline because of the diseases of affluence.

Nine of the 23 recommendations focus on prevention of diabetes through education, healthy eating and active living. The inquiry heard evidence of children as young as nine being diagnosed with type 2 diabetes, and multigenerational diagnoses of type 2 diabetes occurring in families where three or four generations have been impacted. This is often related to the epigenetic effects of gestational diabetes. Concerningly, early onset of type 2 diabetes seems to have a more rapid trajectory, with early development of complications such as visual impairment, renal failure and cardiovascular disease. Type 2 diabetes clearly affects high-risk communities disproportionately, but it is having a severe impact across the health system in all communities.

The medical costs of a person living with diabetes are double those of a person living without diabetes, and a person with diabetes-related complications has medical costs more than double those of a person who is living with diabetes without complications. The cost to NSW Health of diabetes-related treatment was \$1.8 billion for 2019-20 and is projected to rise to \$2.55 billion by 2028-29. There are many new treatments available for type 2 diabetes, such as glucagon-like peptide-1 receptor agonists, including the well-known drug Ozempic. These

are life-changing for some people. However, they are very expensive, require continuing treatment, have been in short supply and may have significant side effects.

Data shows that the highest rates of type 2 diabetes are found in south-west Sydney, followed by western Queensland, country South Australia, western New South Wales and other rural and remote areas. The Federal electorates of Chifley, Fowler and McMahon—all located in Western Sydney—have the highest rates of diabetes, with regional and rural electorates such as the Federal electorates of Spence, Grey and Hunter close behind.

For type 1 diabetes, there is increasing evidence that a hybrid closed-loop insulin pump system leads to better outcomes. However, those systems are only available for a limited number of patients, and more must be done to increase the availability of that technology. We pay more for insulin pumps in Australia than in many other developed countries, which is directly attributed to the lack of competition and providers of technology available. I encourage members to read the report. As is almost always the case, prevention, early intervention and accessible, wraparound, integrated treatment are key.

### KOALA HABITAT AND ENERGY INFRASTRUCTURE

**The Hon. WES FANG (14:09):** The New South Wales Labor Government seems to prioritise koalas over everything else, including forestry.

[*Members interjected.*]

Mr President, members of The Greens continue to interject.

**The PRESIDENT:** Order! The Hon. Wes Fang has the call.

**The Hon. WES FANG:** This Labor Government seems to prioritise koalas above everything else, unless it is the renewable energy zones and the transmission lines that will connect those zones to the Sydney metropolitan area. An article in *The Daily Telegraph* yesterday talked about studies on the New England Renewable Energy Zone [REZ] and the koala habitats that will be destroyed when EnergyCo runs its interconnectors from the New England REZ into Sydney. Those koala habitats are considered to be unique for the area, and the studies also show a large number of koalas in that vicinity.

Despite the fact that the Government is seeking to shut down forestry in order to determine the boundaries of the Great Koala National Park, when it comes to the renewable energy zone transmission lines, EnergyCo seems to have been given carte blanche to run straight through known koala habitat. That issue is a conflation of the Minister's two distinct portfolios that have been grouped together, one being Energy and the other being the Environment. The Minister should not be able to dictate those issues, because there is a clear conflict of interest for a Minister with the portfolios of both Energy and the Environment. Those issues, as published yesterday, clearly show—

**The Hon. Daniel Mookhey:** It was published today.

**The Hon. WES FANG:** I acknowledge the interjection of the Treasurer. It was published online yesterday. Some of us who are a bit more connected read it yesterday. Next week in Armidale, there will be a meeting to discuss issues around the REZ. I will be there, and I look forward to speaking with people on the ground about how this Government is ignoring their plight.

### LEARD STATE FOREST

**Ms CATE FAEHRMANN (14:12):** The Forestry Corporation website tells us that State forests offer a wide range of opportunities to recreate and reconnect with nature. It tells us to wake up to birdsong at the beautiful Bago State Forest or try to spot a platypus in the Timbillica State Forest. It tells us that there are more than two million hectares of State forests across New South Wales and that there are endless places to discover. But if we google the Leard State Forest, Google Maps tells us that it is permanently closed. What we see on Google Earth, and what I saw one month ago when I visited, is a forest that is now almost entirely cleared for mining.

**The PRESIDENT:** Order! The Clerk will stop the clock. The Hon. Wes Fang rightfully said earlier that he was annoyed by The Greens members' interjections and they stopped. He will now cease interjecting. Ms Cate Faehrmann has the call.

**Ms CATE FAEHRMANN:** Forestry Corporation does not even list the Leard State Forest as a State forest on its website anymore. Three coalmines—Whitehaven's Maules Creek and Tarrawonga mines and Idemitsu's Bogabri Mine—have destroyed huge swathes of the forest. The Leard State Forest is a biodiversity hotspot. It is home to 396 native species, including 87 bird species, 34 of which are threatened. It is one of the most extensive and intact stands of box gum woodland remaining on the continent. Recently, I stood with locals in the remnants of the forest, listening to the birdsong, and it was stunning. It is listed as a birding hotspot on

eBird. Vulnerable species like the grey-crowned babbler, the speckled warbler, the turquoise parrot and even glossy black cockatoos have been seen there. Yet, shockingly, only 2.9 per cent of this crucial area is protected—far below the international conservation target of 15 per cent or, shall we say, 30 per cent.

The three mines continue to expand their footprints, and the Government continues to approve those expansions. Whitehaven is currently seeking to expand its Maules Creek Mine to continue extracting coal through to 2043. That extension will involve extensive further clearing of the Leard State Forest. Historically, that operator has had complete disregard for limits on licence conditions. By way of example, Whitehaven has been found guilty of or investigated for at least 35 offences, including illegal clearing. It was prosecuted for stealing millions of litres of water in 2021 during the worst drought on record. Idemitsu is also seeking to expand the footprint of its Boggabri Mine and clear a further 85 hectares of forest to extend its operations to 2040. What are the implications for the small remaining patch of the Leard State Forest? I suspect that, at some point in the not too distant future, that beautiful forest and all of the threatened wildlife that call it home will simply cease to exist.

### CAMBODIAN CHILDREN'S FUND

**The Hon. CAMERON MURPHY (14:15):** On Friday 13 September this year I had the pleasure of attending the twentieth anniversary fundraising dinner for the Cambodian Children's Fund [CCF] charity. I have attended a number of its dinners over the years, as it makes an enormous difference to kids who need it most. The charity is based on the ground in Phnom Penh, where it seeks to rescue children who are sent out by their impoverished families to scavenge the local garbage dump for items that can be traded or sold. Although officially closed in 2009, the surrounding areas of the Steung Meanchey garbage dump remain an entry point for those destitute children and families with no option but to scavenge or beg. Put to work by their families, they have no opportunity to go to school and no future.

The CCF works with families to alleviate poverty in exchange for them allowing their children to attend the charity school, as it believes the key to permanently changing the future for the kids is through education. It has a focus on:

... removing barriers to the classroom and bringing high quality education to kids living in one of Cambodia's most impoverished communities. Transforming impoverished kids into tomorrow's leaders through six interconnected programs: Education, Leadership, Career and Life Skills, Childcare, Community Outreach, and Healthcare.

The CCF's founder, Scott Neeson, spent 26 years in the film industry, lastly as president of 20th Century Fox International. But after a life-changing visit to Cambodia, he paid for all of the startup costs out of his own pocket. Starting with a handful of children, the CCF now educates around 1,900 children living in one of the most impoverished parts of Cambodia and supports families with important community-based projects. Students from the earliest days of the charity have now graduated from universities both in Australia and across the world. Their lives have been changed for the better because of the important work of the Cambodian Children's Fund.

### LOCAL GOVERNMENT ELECTIONS

**The Hon. SCOTT FARLOW (14:18):** As the results have become clearer during the counting following the recent council elections, I acknowledge some of the fantastic Liberals who have been elected to local government. I spent polling day in the Hunter, supporting our candidates across Lake Macquarie, Maitland and Newcastle. I congratulate new Liberal entrant Matt Schultz on his election to Lake Macquarie City Council. He joins sitting councillors Jack Antcliff and Jason Pauling, who have been re-elected to serve on that council. While the results are not as clear in Maitland council, I congratulate a Liberal candidate in Ward 1, Sally Halliday, on her strong result and likely re-election to the council. I also congratulate Mitchell Griffin, who ran as an Independent, through no fault of his own, who is leading on primary votes for a place on the council in Ward 2. In Newcastle it is clear that both Liberal councillors, Jenny Barrie and Callum Pull, have been re-elected in their respective wards. I congratulate both of them on their strong campaigns and advocacy for the Newcastle community. Port Stephens has seen the election of a Liberal in Nathan Errington in the East Ward, who I also congratulate.

It would be remiss of me not to mention the hardworking Liberal councillors who unfortunately did not get the opportunity to represent their communities and recontest, through no fault of their own, and who had served their community so tremendously well. In particular, I mention Paul Dunn, John Moores and Karen Jackson in Cessnock City Council, as well as Ben Mitchell in Maitland. They were all wonderful servants of their community and I am sure they will be seeking to return to give their communities in the Hunter a Liberal voice in 2028.

Further afield, I also congratulate the Ryde Liberals, who have had a landmark result, returning at least seven Liberal councillors, including the first popularly elected mayor, Trenton Brown. I congratulate Shweta Deshpande, Daniel Han, Sophie Lara-Watson, Keanu Arya, Kathy Tracey and the human of Humans of Eastwood himself, Justin Li. People in Ryde were not buying Labor's dishonest campaign and have seen the dedicated effort

from the Ryde Liberals on cost of living and preserving important open spaces. For example, I refer to the TG Millner Field, where the Liberals were against not just the opposition of the Labor Party but also the unprecedented opposition of North Ryde RSL. I congratulate that team on being able to stand up for their community, and the community rewarded them.

We have seen the return of Liberal councillors in many important councils across Western Sydney. In Blacktown City Council six Liberal councillors have been confirmed, with potentially a seventh. I congratulate Jess Diaz, Allan Green, Mohit Kumar, Pradeep Pathi, Peter Camilleri and Jugandeep Singh. They will make a strong team, standing up for improved infrastructure amid the highest housing target of any local government area in the State. The Liberals are back in Parramatta as well. Martin Zaiter, Steven Issa, Georgina Valjak, Sreeni Pillamarri, Tanya Raffoul and Manning Jeffrey have all been elected to the City of Parramatta Council to continue supporting wonderful public spaces, such as Parramatta Square. That support has been possible only because of Liberal leadership in Parramatta.

### HUNTER VALLEY COALMINES

**Ms SUE HIGGINSON (14:21):** What an unbelievable kick in the guts it was yesterday when the Federal environment Minister announced that she had literally ticked and approved three enormous climate-wrecking coal expansion projects in the Hunter Valley. It is an unbelievably reckless decision. These three mines will impact on matters of national environmental significance and will lead to unanticipated climate disruption. What has happened is unbelievable. We know that our Federal environmental laws are unbelievably broken. Year after year, report after report has shown that they are broken and need to be fixed. But they are not so broken that the Federal Minister did not have a pathway to refuse these projects. That is not true.

What happened yesterday, for all to see, demonstrates that the Labor Party is more broken than our Federal environmental laws. It is unbelievable what future we have literally set in stone for our children. The hypocrisy is unbelievable. While the Federal Minister was approving the projects, she simultaneously put out a press release talking about how she is protecting nature. One of the three mines will be destroying not only the climate but also hundreds of hectares of koala habitat. That local population of koalas will likely now be on the board for extinction, and that will be that. The subsidence of one of the other mines is so bad that it will probably see the collapse of the Hunter River and the loss of all the water that is meant to be growing food for people, and supporting nature and our very survival.

These three mines together are more than the entire nation's annual greenhouse gas emissions. Companies will now be mining coal and exporting the climate crisis, and fuelling it elsewhere. Our communities will experience that disruption for a very long time. It is unbelievable failure. It is environmental failure. It is climate disruption. It is economic failure. It is social failure. It is political failure. What we now know, once and for all, is that Labor cannot be trusted with the climate or our environment.

### CROOKWELL AQUATIC FACILITY

**The Hon. BOB NANVA (14:24):** As the Government's duty representative for the electorate of Goulburn for the last 12 months, I have had the great privilege of meeting with many residents, community advocates and small business owners. They are people with real ambition for themselves and for their communities. They are people who get on with the job without the fanfare, without the attention and, frankly, without the resources that are afforded to many of us in metropolitan Sydney. While they may not always be the loudest, they are always the most forthright.

It is clear to me that in the main, regardless of political stripe, regional activists work harder and better to find common ground to get better outcomes for their local communities. Next week I will be returning to Yass to celebrate the opening of the new facilities for the Yass and District Historical Society, which is operated by a dedicated group of volunteers who have toiled endlessly to preserve the region's unique history and slice of Australia. It is a society that has been cherished in advance by so many people across the spectrum.

One project that remains dear to the hearts of many local people and is still in search of better outcomes is the Crookwell aquatic facility project, which I have canvassed in this Chamber previously. In short, the residents of Crookwell do not have a public swimming pool within 50 kilometres of their homes. For the rest of us, a facility like that is something we take for granted. I have two public swimming pools within five kilometres of my home, as opposed to having to travel 50 kilometres to take my children to learn to swim classes. The residents of Crookwell did once have a pool. However, it was an aged and dilapidated structure which was no longer fit for purpose, let alone fit for residents.

A new, modern facility was proposed. A development had begun and, through no fault of Upper Lachlan Shire Council, progress halted when the developer went into voluntary administration. The structure now stands incomplete—stalled—right in the centre of town. The project will need additional funds if its completion is to

come sooner rather than later, but throughout it all the Upper Lachlan Shire Council has fought relentlessly to see the project through.

The pool has perhaps had no better champion than outgoing Mayor Pam Kensit, who is moving on from local government following the 14 September elections. I can hardly think of a more indefatigable advocate for the project than Pam Kensit. I would be hard pressed to remember how many times we have spoken about Crookwell over the last 12 months, here in Sydney, on the phone or at the pool. Pam's love for the bush has led to her recent election to the board of the South East Local Land Services. I do not doubt that Pam will bring the same passion to that organisation as she did to the council and the Crookwell pool. While I will no longer receive regular calls from her advocating for the pool, I assure her and the community that her voice continues to ring in my ear, and my advocacy for it will not stop.

### LIVE LAMB CUTTING

**The Hon. EMMA HURST (14:28):** Few people know the truth about wool. It is bloody and it is cruel. Millions of animals suffer and die in the wool industry. Sheep raised for their wool in Australia are mutilated as infants. When a lamb is just weeks old, they are restrained in a metal device while parts of their skin and flesh are cut off with shears, exposing bloody tissue and muscle around the lamb's tail. No pain relief is required in New South Wales, meaning young animals suffer this excruciating procedure and weeks of chronic pain afterwards. Australia is one of the only places in the world where live lamb cutting is a routine practice. It is done to avoid a dangerous condition called flystrike, but the absurd part is that non-invasive alternatives are available to deal with flystrike. Both flystrike and lamb cutting can be avoided. In fact, live lamb cutting is so abhorrent that in 2004 Australian wool industry leaders unanimously committed to ending the practice in Australia by 2010.

We can imagine the public's despair when the industry abandoned this commitment just one year before its deadline. Since then, an estimated 140 million Australian merino lambs have been subjected to this barbaric practice when they should have been spared. It is reported that half of woolgrowers in Australia still practise live lamb cutting. That is unacceptable. The commitment to end live lamb cutting was first made 20 years ago. We must now enforce it with legislation. I urge all members to read the latest report from Four Paws, Humane Society International Australia and the Australian Alliance for Animals. The report calls on the New South Wales Government to legislate the phasing out of live lamb cutting by 2030, with mandatory pain relief to be required in the meantime.

It does not end there. Ewes are often artificially impregnated to give birth in winter, but one-quarter of those lambs will not survive. While people put on woollen mittens, pull a woollen beanie over their heads or snuggle up under a woollen blanket, those lambs will freeze to death in the fields, exposed to wind, rain, frost and predators. Consumers everywhere should ask themselves if that woollen jumper is worth cutting a chunk of flesh off a live lamb without any pain relief. Is it worth a lamb freezing to death to keep people warm? The good news is that there are environmentally friendly, cruelty-free fibres such as Tencel, hemp and bamboo. The future of fashion is free of live lamb cutting.

### *Bills*

### ROAD RULES AMENDMENT (MOBILE PHONES AS NAVIGATION AIDS FOR PROVISIONAL LICENCE HOLDERS) BILL 2024

#### Second Reading Debate

**Debate resumed from 19 June 2024.**

**The Hon. DANIEL MOOKHEY (Treasurer) (14:31):** I contribute to debate on the Road Rules Amendment (Mobile Phones as Navigation Aids for Provisional Licence Holders) Bill 2024. The object of the bill is to amend the Road Rules 2014 to allow provisional P1 and P2 drivers to use mobile phone devices for navigational purposes. The Hon. John Ruddick set out his reasons for moving the bill in his second reading speech. His wider contributions in the House suggest that he has a real interest in the manner in which provisional P1 and P2 drivers interact with the law enforcement system on our roads. Members can clearly see his diligence in amending the Act from his proposed solution. The first schedule to the bill:

... allows a provisional P1 or P2 licence holder driver who is 25 years of age or older to use a mobile phone if—

- (a) the mobile phone is solely functioning as a GPS navigational aid and is mounted to the vehicle, and
- (b) the driver does not touch the mobile phone while the motor vehicle is moving or is stationary but not parked.

The provision will be repealed 12 months after commencement.

From my service on the Staysafe Committee in the previous Parliament and the one prior, I know there is lot of evidence to strongly suggest that distraction leads to avoidable death on the roads. The previous Government was

heavily occupied with the question of how to ensure that a driver's focus remains on the road. In examining the expertise and evidence, particularly from the Centre for Road Safety, the Staysafe Committee has argued at various points that driver distraction is a real issue, particularly for those under 25 years of age. That clearly reflects the current legal approach. Therefore, when members consider the bill they should also consider that evidence. I look forward to listening to what other members might have to say during the balance of the second reading debate.

**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) (14:33):** I thank the Hon. John Ruddick for introducing the Road Rules Amendment (Mobile Phones as Navigation Aids for Provisional Licence Holders) Bill 2024. The Government has had considerable interaction with the member since he first moved a similar, more wideranging version of the bill. There has been significant consultation, and I note that the bill has changed as a result of those discussions and the evidence that the member has examined. Some of those discussions have been under the advice of the Centre for Road Safety. I thank the member for the approach that he has taken on the bill.

I say at the outset that while the Government is not supporting the bill, I will be announcing how we plan to deal with the current policy settings. The suggestion the member makes, in the form he has made it, is certainly not out of the question in New South Wales. However, on balance, there are some operational issues the Government wants to carefully sort through before agreeing to a change in the law. We agree that there is an opportunity to review the rules and deliver measured reform. All members know and have talked about the rising road toll in New South Wales. We have introduced a number of measures to address it. That is one reason we have had to carefully work through the proposals in the bill.

As the member noted in his second reading speech, young drivers have an increased road safety risk profile. The evidence-based graduated licensing system in New South Wales allows people to learn and move on to provisional driver licences. Some of those licences have been graduated according to age, based on research about brain development and risk-taking behaviour on our roads. The current approach is to ban all mobile phone use by learner and provisional drivers. That approach intends to remove the safety risk of mobile phones as a source of distraction. That policy sends the message that mobile phones and driving should be kept separate as drivers develop their skills.

Provisional and learner drivers are currently permitted to use dedicated GPS systems that are not a mobile phone. However, there is a continual evolution of technology, research and our understanding of trauma risk as a result of phone use in other jurisdictions. We agree with the member that it is time to look again at the rules and carefully consider the best policy settings for young and inexperienced drivers. The road toll weighs heavily on the Government. Provisional New South Wales crash data shows that there were 76 fatalities from young driver crashes in 2023. That was 22 per cent of all New South Wales fatalities in 2023, which was an increase on the previous year.

There is an increased risk for young drivers, especially in the first six months of a provisional P1 licence, as drivers transition to driving without a supervisor for the first time. However, that risk is not limited to young drivers. There is also an increased crash risk for provisional drivers who are 25 years and older when compared to unrestricted licence holders. Those are some of the factors that we must take into account if we are to make a change in the area. I have instructed Transport for NSW's Centre for Road Safety to conduct a review dealing with the policy, risks and enforcement mechanisms. That review commenced following discussions with the member since he moved the bill and will inform the Government's position over time.

I note the changes in the bill. It now provides for a change to the Road Rules so that provisional drivers aged 25 years and over would be permitted to use a mobile phone as a GPS navigational aid only. The mobile phone would be required to be secured in a mounting affixed to the vehicle. Under the bill, the provisional driver would not be able to touch their mobile phone while the vehicle is moving or stopped at traffic lights. To be able to have a navigational application running, the provisional driver would need to set their travel route up while parked and before they start driving.

The bill also includes a repeal date of 12 months after the date of commencement, setting up the change as a one-year trial. The bill genuinely seeks to address the road safety concerns while facilitating access to a mobile phone for navigational purposes. The Government agrees that elements such as limiting interactions with any distraction and having the device properly secured are critical. The policy review will consider these kinds of factors, including how we can reach a satisfactory definition of "permissible use". I welcome those changes. As I said, they are different to the original bill but each of those is a welcome protection in the approach that the member is now advocating.

In conducting a policy review, the Transport for NSW Centre for Road Safety will consider the rules in other Australian States and Territories. There is a variation in the way these rules apply across Australia. There may be opportunities for us to increase consistency with other States. We will certainly look at the available evidence to see what is working well and taking into account stakeholder and other agency perspectives. Such a policy review will look at the research and what evidence says about driver distraction, navigation technology and learner and provisional drivers. Importantly, the review will also examine trauma and offending behaviours with a view to ensuring that the Road Rules remain targeted but also that they are readily enforceable. It is on that last point that the Government still has some work to do to make sure that these are enforceable in a commonsense way on our roads.

The Graduated Licensing Scheme has been enormously successful in reducing road trauma in young and inexperienced drivers. It has been progressively strengthened since the early 2000s to reduce risks for novice drivers. I shall recap some of those things. In 2004 a zero blood alcohol limit for learner and provisional driver licence holders was introduced. In 2005 changes were made to incorporate vehicle restrictions for provisional P1 and P2 drivers, meaning they were banned from driving high-performance vehicles. In 2007 further changes were made to introduce a zero tolerance approach for provisional P1 drivers and riders caught speeding and a peer passenger restriction for young provisional P1 drivers between 11.00 p.m. and 5.00 a.m. The mandatory hours for supervised on-road driving experience to be recorded in a logbook by young learner drivers was extended to a minimum of 120 hours. While that is a very long period, it is one of the things that has driven a better result on our roads. They are some of the changes which have unfolded. That is the backdrop against which we judge the bill and its effect on our roads.

I acknowledge that there have been technological advancements with mobile phones, including functions like the "do not disturb" mode and the increased integration of phones with vehicle interfaces. Both of those are reasons that this technology is rapidly changing and that it is an appropriate moment for us to re-examine these measures and their relationship to provisional drivers. The bill gives us an opportunity to do exactly that. The Government will take that opportunity. I draw the attention of members to the driver licensing system online courses that are now operating, which are increasingly popular with young drivers, and the efforts we are putting into new drivers through the Driver Licensing Access Program. In February this year these matters were all discussed at the Road Safety Forum as we brought together experts from around the country and the world.

I conclude by again thanking the Hon. John Ruddick for introducing the bill. I reiterate that I have directed the Centre for Road Safety to conduct a review of the policy settings for learner and provisional drivers and their use of mobile phones as a driver's aid. We know that there is an increased risk here, but the practical issues that these drivers face as they move around—particularly Sydney's complex road network—are significant. The member has laid out the case for reform in that space well. We need to look at the evidence and the technological advancements that have taken place since this matter was last measured. However, we need to do it in a way that keeps people safe on our roads. Given the state of the road toll at the moment, we need to make sure that these measures are enforceable.

Based on the advice I have received as the roads Minister, we need to do some more work on this matter. I also acknowledge the advice that the Government has received from the NRMA. It has been extremely helpful in sorting through the complexity of these issues. I know that the member has engaged with the NRMA directly as well. That advice is one of the reasons the bill is now in a very different form to what it was when it started. With those comments, I note the bill and thank the member.

**The Hon. SUSAN CARTER (14:45):** It is often said that the shortest distance between two points is a straight line, but anyone who believes that has clearly never driven through the Sydney CBD. Today our cities are complex systems that can sometimes feel like a labyrinth to navigate. It is little wonder then that for most drivers, me included, a GPS is so often Ariadne's thread which guides us safely home. In fact, the use of GPS technology in modern driving has become ubiquitous.

According to recent statistics, over 80 per cent of drivers in developed countries use GPS navigation systems regularly. This reliance on GPS is not just a matter of convenience but also of safety. Studies have shown that drivers who use GPS are less likely to get lost and are more likely to reach their destinations efficiently, reducing the risk of accidents caused by confusion or sudden lane changes. It is in this context that the Opposition is happy to support the bill, which will allow provisional drivers aged 25 and over to use their mobile phone for the purpose of a navigational aid while driving.

This measure recognises that not everyone has access to a car with an inbuilt navigation system and recognises the growing trend for drivers in this age group to use share car services that require drivers to bring their own navigation systems. The Opposition is happy to support the Road Rules Amendment (Mobile Phones as Navigation Aids for Provisional Licence Holders) Bill 2024. This measure strikes a balance between keeping our roads safe and ensuring practical freedoms for drivers on our roads.

Under the bill, drivers may not touch their phone while driving but can preset it while the car is parked. Frankly, this is common sense and in practice will operate no differently from using any other type of navigational aid. The Coalition believes strongly in treating people like grown-ups, ensuring freedom but in the context of adults assuming the consequent responsibilities. We recognise with Elbert Hubbard that responsibility is the price of freedom. We are confident that this sensible and limited freedom can be extended to this specific cohort of drivers who are over 25 and will, in fact, allow them to drive and reach their destination more safely.

We note that this legislation is not open-ended. It provides for a 12-month trial period, after which time additional legislation may be required to extend or make permanent these new privileges. A legislated trial such as this ensures accountability and transparency, and enables members in this place to reflect on the review and data before moving to legislate for this change permanently. This allows the legislation to be tested, to prove its worth, to demonstrate that no reduction in road safety occurs but that there is a reduction in beginner drivers becoming lost in Sydney.

I highlight the trial aspect of this legislation because it demonstrates a very sensible policy approach that we could look to in other areas. Often bills are brought before the House providing power to government with limited time for consideration and unknown implications. In the provision of this power to government, the outcome is often opaque. We cannot fully know how it will work nor what the impacts will be but, by legislating for a trial, we will be able to see the results and make an informed decision. This approach ensures not only that we are making good decisions but also that we are being responsible stewards of public safety and of personal freedoms.

The bill is common sense, and it is frankly refreshing to see legislation proposed in this place that is thoughtfully prepared and has a clear timeline for examining its impact. It would be good if the Government took note of this example. Opposition members are happy to support the bill, and we thank the Hon. John Ruddick for bringing the matter to the attention of the House.

**Ms CATE FAEHRMANN (14:49):** The Greens are happy to support the Road Rules Amendment (Mobile Phones as Navigation Aids for Provisional Licence Holders) Bill 2024, noting the comments by the Minister about working with the mover of the bill. The need seems to be there, and the bill seems very sensible and perfectly reasonable to us. Importantly, it applies to P-plate drivers over the age of 25. We would not support it if it did not apply to those drivers. Under the bill, drivers are not able to touch or use their phone while driving or while stationary, which is the same for all of us, but they can preset their phone before driving.

Things have changed over the past decade or more. For most of the driving that I do around Sydney, I set the navigation. Of course, if I am going to somewhere I know how to get to then I do not need to do that, but we use it a lot. The reports are that a hell of a lot of people are being caught, having no idea that they are not supposed to use their phone for navigation purposes. There is a notion of trusting people, particularly those over the age of 25. Even if they are not as confident on the roads as we are, it is just a matter of setting their phone. Navigational systems talk to drivers and can tell them where to go, so they are not looking at their phone all the time.

I note the Minister's comments that there have been some changes to road laws over the past few years that have been not about safety but about correcting what both sides of politics have called an inconvenience or an attempt to catch people out. One example is reinstalling speed camera warning signs. If it was purely about safety then those warning signs would be removed, but there has to be a balance. The bill strikes that balance and is eminently sensible. We should trust a 25-year-old to get behind the wheel of a car, pop the directions into their phone's navigation system and drive away without it being a serious risk.

I also acknowledge that Government members have said that they are working on policy and looking at the ways in which the measures could work. P-plate drivers who are over 25 years old and have their phone mounted would have to be identified, but I am sure the Government can work that out. I acknowledge the work that the Hon. John Ruddick has done to bring a bill to this place that is eminently sensible and will make a difference to a lot of people's lives. The Greens support the bill.

**The Hon. JOHN RUDDICK (14:53):** In reply: I acknowledge the members who have provided contributions to the debate. The Hon. Daniel Mookhey made a very substantive contribution. I thank the Hon. Susan Carter and Ms Cate Faehrmann for their indications of support, which are most appreciated. I also thank the Hon. John Graham for his contribution today and for the productive and professional discussions between us and between our offices over the past few months.

The Hon. John Graham mentioned the road toll. I ask members to consider that if a 26-year-old on their P-plates is driving from Palm Beach to Penrith, they will be quite nervous. There are lots of twists and turns and tollways. How will they get there? They can pull over from time to time and consult an old Gregory's-style map. I believe this commonsense reform is likely to result in a reduction in the road toll, which would be a good thing.

The indications are that this will be a good day for drivers, especially provisional drivers, and for road safety in general across New South Wales. The House's indication of support for the trial demonstrates a willingness to trust provisional drivers over 25 years of age to use their mobile phone as a navigational device, at least on a 12-month trial basis. If the bill passes this House, I am hopeful the other place will also support it. But even if that is not the case then the encouraging remarks by Minister Graham suggest that there will be reform in this space.

New South Wales, and especially Sydney, can be a challenging place to drive, especially for new drivers who are nervous and learning their way. Over 120,000 provisional drivers over the age of 25 will directly benefit from the reform. It will aid provisional drivers over the age of 25 by granting them the ability to access GPS functionality—the map app—while their mobile phone is secured in a cradle. Under the reform, those drivers will not be permitted to interact with their phone while the vehicle is in transit or even stationary at traffic lights. The sole purpose is to help them navigate our challenging road system more safely, not to allow them to use Snapchat or other irrelevant distractions. I expect that the plain common sense of the reform will become apparent to bureaucrats and policymakers. In 12 months, when the trial is concluded, I hope the findings make it a permanent freedom and a permanent way to make navigation of our roads safer for provisional drivers.

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

**Motion agreed to.**

### Third Reading

**The Hon. JOHN RUDDICK (14:56):** I move:

That this bill be now read a third time.

**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) (14:56):** I thank the Hon. John Ruddick for his comments. On behalf of the Government, I add some details about the review. The Government will conduct a review, as I have indicated. Following discussion with the member, I indicate that the Government will make that review public and report back to the member.

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

**Motion agreed to.**

### Motions

#### SYDNEY METRO DRIVERLESS TRAINS

**The Hon. DAMIEN TUDEHOPE (14:58):** On behalf of the Hon. Natalie Ward: I move:

- (1) That this House notes:
  - (a) that Sydney Metro was designed, funded and built by the former Coalition Government;
  - (b) that the Sydney Metro system is designed to be fast, efficient and driverless;
  - (c) that on Friday 20 September 2024, the New South Wales Labor Government committed to having a member of the Rail, Tram and Bus Union on every Sydney Metro platform and on every Sydney Metro train forever; and
  - (d) that this worker will have no operational role in the management of the metro system.
- (2) That this House further notes that the Government's transport policy is becoming the priority of the Rail, Tram and Bus Union first and the public second.
- (3) That this House condemns the Government for making a mockery of the world-class metro system by acquiescing to the demands of the Rail, Tram and Bus Union.

The motion relates to the delivery of another piece of inspirational infrastructure to the people of New South Wales that was opposed by all members opposite. The north-west metro line was first promised when the previous Premier was a boy at school. I think it was promised six times by members opposite when they were in government, but they never took one step to deliver that important piece of infrastructure. However, now they love the metro. The people of Sydney love the metro and it has been embraced across the metropolitan area. That love for the metro now extends to the delivery and extension of the metro system. It is the future of public transport by rail in the metropolitan area. Government members should say they are sorry that the people of New South Wales did not get the metro earlier. They had many opportunities to deliver it, but were never able to. It brings to mind Frank Sartor, Carl Scully and others, who used to lament that they were never able to deliver proper infrastructure projects for the people of this State because the unions and their demands dominated the landscape.

At the opening of the metro, the Premier was gracious in acknowledging the great work that had been done by the Coalition in designing, funding and delivering the metro over the 12 years that it was in government. Across the Sydney landscape and beyond, the former Coalition Government transformed the State with motorways, schools, hospitals and the delivery of the metro system. Members opposite were never able to do any of that. Now that they are back in government, there is no vision for delivering anything in the future. The same old problems that beset them when they were last in government beset them again now in delivering the next extension of the metro.

The unions, which do not want anything to progress and want things done their way, are back for their feed at the table. I know those unions; I have dealt with them. Toby would have come knocking. I bet the first thing he said was, "We have safety concerns." Is that not right? The union has safety concerns. If the union raises safety it means, "Stop the projects because we have safety concerns." Toby is an expert. I know Toby, and I know the way he treated the previous Government in relation to the delivery of fantastic infrastructure like the new intercity fleet. He raised safety concerns. Safety concerns trump everything.

The circumstances were tailor-made for Toby: a weekend of major sporting events. He thought, "We could disrupt the whole system." Guess what? After one threat of disruption, panic set in for the Government. Government members said, "We will give you whatever you like." The Government agreed straightaway to the delivery of drivers on driverless trains. Can you believe it? We have a driver on a driverless train! It is like the bloke who buys a brand new state-of-the-art ride-on lawnmower. He gets out in the backyard the following weekend, and what does he do? He starts pushing the ride-on! Government members have no idea. We should be thanking the previous Government for delivering this project. We should not give in to the unions like members opposite, who allow the unions to run the Government.

**The Hon. MARK LATHAM (15:04):** I think the Liberal Party has crowed too early. Yes, it is farcical that rail union staff are on driverless trains. It is a reverse *Yes Minister*. Instead of the hospital with no staff, we have driverless trains that do have staff. Sir Humphrey would be all over this like a rash. It is ridiculous, but the background is that the Liberal Party only advanced the metro to eliminate the union. The Liberal Party wanted to eliminate the staff on the trains so that it would not have to deal with the trade union. I have tried to travel around the Sydney metropolitan area from the great south-west for too long. It is an absurd idea that efficient, equitable and decent transport planning could have been performed under the former Government's basis of "Let's get rid of any union involvement." That was obviously against the public interest.

Talking about crowing, Andrew Constance walked around this Parliament crowing about the fact that he would convert the whole rail system in Sydney into metro so there would be no drivers and no trade union. That is no comfort to us in south-west Sydney, where there is no metro and no effective way of getting from Badgerys Creek airport into the city. The former Government created one of the greatest white elephants in the history of the city in the St Marys to Badgerys Creek line, solely because Stuart Ayres wanted it. That was against the benefit-cost ratio, against logic and against the need to service all the growing suburbs from Leppington to the airport site by extending heavy rail.

The previous Labor Government did not do a lot; it really only built two stations from Glenfield and Edmondson Park to Leppington. However, having done that, it laid the logical platform by which one would send heavy rail out to Badgerys Creek. The benefit-cost ratio, logic and the need to service those fast-growing suburbs and housing estates all dictated that that was what needed to be done. Instead, a metro is now being built from Badgerys Creek to St Marys that services cows and horses and the roort of the Sydney Science Park. John Camilleri, a personal friend of Stuart Ayres, has won the lotto of having the Luddenham metro station allocated on his land for the Sydney Science Park, which should be called the Sydney ghost park. There is nothing there—not a single job or piece of private sector investment.

While there is an absurdity to drivers on driverless trains, the second absurdity is what the former Liberal Government did with metro planning because of its determination to rub out unions rather than have effective and efficient transport planning for Sydney. Both major parties should be condemned. The Labor Party putting staff on the platforms of the driverless metro is obviously an absurd compromise with the unions to buy some form of peace, but it comes off the back of the former Government doing something just as absurd, which was to set the metro system up not for transport efficiency but for rubbing out trade unions.

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (15:07):** I am delighted that the Opposition has continued to focus on this issue. I remember when Opposition members asked about "opening fever" as their first question in question time every day. We have not heard about opening fever for a little while. Opposition members should reflect on their position. As the Hon. Damien Tudehope observed, the Premier generously gave credit to the former Government for the metro, which I think aligned with the public mood. Opposition members should reflect on whether they are in line with the public mood. The public wants us

to get on with things; they do not want this carry-on or suggestions that the current Government is in some way opposed to the metro. That is just fanciful.

The Hon. Damien Tudehope should reflect on the tone he is taking and the fact that it is well out of step with the public mood. The member is also out of step with the facts. I am advised that the former Government had the same staff on the north-west metro line: staff that could drive the train to the next station in the case of emergency. I am surprised that the Hon. Damien Tudehope is making the case that he is, given that his Government put staff on those trains. I am also advised that the same arrangements are in place on the metro's city link, and no-one is opposing that. The member is not opposing that, but he is hitting the roof about the practical discussion that has taken place with the workforce to deliver the metro to south-west Sydney.

Those are the facts. Not only is the Leader of the Opposition out of step with the public but he is out of step with the facts as they stand. The Government makes no apologies for dealing with the workforce and getting on with the job of delivering the metro. I invite the member to ask us about other openings. Perhaps he could ask about the opening of the Sydney Gateway. No-one will ask me about that. I am waiting for someone to ask me in question time.

**The Hon. Damien Tudehope:** When you give us credit for it. It's another one of our projects.

**The Hon. JOHN GRAHAM:** You have to ask me, for me to give you credit. You know I will give you credit, but you've actually got to ask about it. The conspiracy of silence has to end. Dealing with those issues will allow this Government to keep building. That is one of the reasons we are now doubling the road funding in Western Sydney over the previous forward estimates from the former Government and building around the airport. That is where this Government's priorities are. We make no apologies for continuing to build. We are getting on with that work, which will be equally valuable to the city in the long run.

**Ms CATE FAEHRMANN (15:10):** The Greens do not support the motion. Firstly, because it is anti-union. It basically says that unions cannot demand safety for their workers and, indeed, for passengers. It condemns the union for daring to demand safety features. Secondly, the motion shows no understanding that there are different levels of automation around the world, and there has been since the first automated trains were put in place many decades ago. Like many people in Sydney, I am absolutely loving the metro. When I had the privilege of riding metros in different cities, there were different levels of staffing on those metro train systems. That is important to note.

As I found out the other day, the industry has a scale called the grades of automation for trains. It goes from no autonomy, where all driving is done by a human, to grade of automation 1, which is where a human starts and stops a train, but the train can automatically travel in between with a driver able to intervene in an emergency. There is then grade of automation 2, where the train drives from stop to stop automatically but the driver is in place to override the system if necessary and to perform procedures like checking that the platform is clear of passengers before initiating the start sequence. The next level is grade of automation 3, where the train can and does drive by itself but there will always be a person onboard who can take over the controls if needed. That person might not be in the cabin, but they can be doing things like checking tickets, making announcements, and opening and closing doors et cetera. Then there is full automation where there is no need for any staff or driver on the vehicle at any time and all passenger safety and driving is carried out automatically.

It is important to know that there is a huge range of semi-automated and automated trains around the world, in terms of the need for drivers. There are safety challenges that have come up on a range of different public transport projects, which the union is obviously dealing with. Again, the union is in deep discussions with the Government about that. At this point the public wants to have drivers, or at least staff, on the new metro trains to make sure that everything is working as it should and, not least of all, because of safety. The public support that. Therefore, The Greens do not support the motion.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** I welcome to the gallery students from Kesser Torah College who are participating in a program conducted by the Parliamentary Education and Engagement team.

**The Hon. RACHEL MERTON (15:13):** I speak in support of the motion moved by the Hon. Damien Tudehope on behalf of the Hon. Natalie Ward. I re-express my deep concern over the Minns Labor Government's nonsensical decision to place drivers in driverless Sydney Metro trains. I remind the House of the original vision of the Liberal-Nationals Government when it introduced the metro: to provide a reliable, world-class, fully automated service that would be free from the interruptions caused by staff shortages or union disputes. The message clearly relayed to us at the opening of the Sydney Metro was that it was a relief, and it was common sense. Sydney was now an international city. We were on the map and the metro was moving. That vision is now being undermined by a government that bows to union demands and calls it progress.

Today we have heard that meeting union demands and putting drivers on driverless trains allows us to do business. That is how business operates under Labor in New South Wales. Union membership continues to fall year after year. A colleague said to me, "Hang on. I can't help but wonder if the unions will have enough members to man the driverless trains." How ironic that the very group demanding that drivers be placed in automatic carriages is shrinking in numbers. At this rate, the unions will not even have the workforce to fill the positions. Now Labor is trying to convince us that those drivers are not drivers at all. If they are not drivers, why was the agreement reached? I remind the Government that the agreement was reached for workers who are "qualified and competent to drive the train". Clearly it is drivers who are boarding the driverless trains.

The question of the cost of this decision to taxpayers remains unanswered. As I said yesterday to Sydney families, New South Wales is under pressure. Families are doing it tough. What does this mean for transport costs? It remains unanswered. It is a decision that will not only add unnecessary costs but also undermine the efficiency of a metro built by the Liberal-Nationals Coalition. I remind the Hon. Mark Latham that one does not have to do a lot of research to see where in the world driverless trains are operating—Brazil, United States of America, China, Indonesia, Japan, Pakistan, Singapore, Hungary, Spain, Türkiye and the United Kingdom. This is not an attack on the unions; this is modern infrastructure, technology, efficiency and value for money.

**The Hon. MARK BUTTIGIEG (15:16):** This motion should be called out for what it is: anti-unionism. We have seen a litany of it over the past couple of weeks. It started with the Electrical Trades Union, then the Maritime Union of Australia and then the nurses. Today, again, it is the Rail, Tram and Bus Union. The fact is that when in government the Coalition had a de-unionising agenda led by Andrew Constance and co. The Leader of the Opposition comes to the Chamber on a daily basis pursuing that same agenda, despite having lost an election because the unions advocated for paying frontline workers an adequate wage and actually engaging with them. I know who I would trust when it comes to safety and building things properly. The Opposition is the mob that gave us the notorious new intercity fleet: trains that did not fit the tracks and that were too long for tunnels. As a result of not talking to the Rail, Tram and Bus Union, who are the subject matter experts, there were cost blowouts of billions of dollars. Do members remember the ferries that would not fit under bridges?

**The Hon. Rod Roberts:** Duck!

**The Hon. MARK BUTTIGIEG:** Duck! And they were asbestos riddled. Why? Because the then Government did not talk to the Maritime Union of Australia. I come from a trade background in the electrical industry, where employers wanted to speak to the unions because they wanted the problems solved up-front. So I can well appreciate that if governments genuinely sit down and—heaven forbid—talk to the people that live and breathe their work every day, they can come up with solutions to avoid problems. The fact is that these workers are not drivers; they are ancillary staff and customer service staff. They will be there to help people who have disabilities to get on and off the trains. They are there for safety incidents.

There is nothing wrong with driverless trains in principle, but there needs to be staff on the trains to help with incidents when they occur. The union has made a reasonable request, which the Government has agreed with because it makes sense. Members opposite cannot be trusted, because their way of consulting is to order trains off the shelf from overseas and hope for the best. They do not talk to the unions. In fact, they hope that everyone leaves the unions. That is their policy, but it did not work when they were in government, and it does not work for them now in opposition. I suggest that they drop that policy if they want to back get into government in the next millennium.

**The Hon. WES FANG (15:19):** I thank the Deputy President, Ms Abigail Boyd, for giving me the call over the Hon. Bob Nanva. It is good that I get the opportunity to jump in before him.

**The Hon. Penny Sharpe:** When Natalie's back, you won't get a chance.

**The Hon. WES FANG:** I note the interjection.

**The Hon. Damien Tudehope:** Point of order: Interjections are unruly at all times. I ask that you draw that to the attention of the Leader of the Government.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** I remind all members that interjections are disorderly. I also remind them that it is convention to give the call to a member on one side of the House and then the other. The Hon. Wes Fang has the call.

**The Hon. WES FANG:** It is timely that I get the jump before the Hon. Bob Nanva, because it will give him the opportunity to stand up next and say why the Rail, Train and Bus Union [RTBU] is given preferential treatment by the Labor Party. He would know, being a probable current member and a former power-wielding official of that union.

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

**The Hon. WES FANG:** The CFMEU protection racket has jumped up.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** Order! The Hon. Wes Fang will resume his seat. I will hear the point of order.

**The Hon. Cameron Murphy:** As much as I am enjoying the wonderful contribution by the Hon. Wes Fang, it has nothing to do with the motion. He ought to be asked to talk to the motion before the House.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** While I appreciate the entertainment value, the member will address the motion at hand.

**The Hon. WES FANG:** I will, if those opposite will stop interrupting me. They probably fear what I will say because they understand where I am going with this. This Labor Government is making it clear who are the haves and who are the have-nots. Members of the nurses union were recently outside protesting and so were members of the CFMEU and the Maritime Union of Australia. The police and the firies are seeking higher wages. This Government makes it clear who is in favour and who is not. Clearly, at this time, the RTBU is in favour. Who on the other side of the House is pulling the puppet strings? It is probably the Government Whip. He is the former power-wielding Sussex Street puppet master and now he is in this place. He got rid of his archenemy, the old Khal Asfour, to slide straight into the upper House and he is now pulling the puppet strings for the RTBU. That is why there are drivers on the driverless trains. It is because of Bob. Bob has done all this. Take the credit, Bob.

**The Hon. BOB NANVA (15:23):** I was going to give a facetious contribution, but I will not because the words in the motion are very serious. This is just another opportunity to union bash. If people want to know what ideological rocket fuel motivates members opposite to keep pumping out motions like this to make relentless attacks on unions and the rail workforce, it is fundamentally a lack of respect for unions and transport workers. When Opposition members were in government, they persistently debased, diminished and devalued as many transport jobs as they possibly could over their 12-year period. I experienced it personally when I was at the Rail, Tram and Bus Union [RTBU].

The stark reality of their ideology was made abundantly clear by one of their former transport Ministers, Andrew Constance, who at least had the courage of his convictions when he told a Committee for Economic Development conference that he was "not going to have to deal with the rail union anymore" because transport "will be all private". He also said, "In 10 to 15 years time, government will not be in the provision of transport services." Those comments were entirely ideologically driven. It was a transport and infrastructure program driven by ideology and the desire to get rid of transport unions and transport workers. There is no sin in the RTBU aggressively advocating for its members. When I was there, I did it. I was proud of it. There is absolutely no sin in getting good, safe outcomes for the community. The Opposition consistently conflates good outcomes and safe transport services for the community with some sort of impropriety, but that is completely false. As a result of the negotiations, it is absolutely true that staffing positions will exist on the metro north-west line to the CBD. They will be extended to the Sydney Metro Southwest once it has opened, and so they should.

Rather than bemoan the RTBU's success at getting more transport workers onto a system that needs them, perhaps the Opposition could learn from that success. The contrast between the style and maturity of the negotiating approaches of this Government and the previous one could not be more stark. It was my experience that the Coalition preferred to spend more time in courtrooms than in board rooms and in meal rooms talking to the very workers who are at the coalface and know how the system works. The Coalition spent more time in courtrooms, spending taxpayer money on ideological legal pursuits against the RTBU, which often failed, rather than talking to members and workers in meal rooms and board rooms. Rather than improving the system, the Coalition dismantled and destroyed it.

**The Hon. SCOTT FARLOW (15:26):** The Hon. Bob Nanva talks about putting transport workers on a system that needs them, but this system does not. It is a metro. It is a driverless train that now has a driver, thanks to the Rail, Tram and Bus Union [RTBU]. Last Friday night, as fans were heading to Allianz Stadium, what line was to go down but the T4—the Sharkies line. It is hard enough to get fans out of the shire to go and watch a rugby league game, but it is even harder when the train system is not operating. The RTBU gave this Government a taste of what it would unleash. The Government backtracked and said that it would put drivers on driverless trains. It said, "Anything you want, RTBU. Just make it stop", because this Government will not stand up to the unions.

Labor has hated the metro from the beginning, but the people of Sydney absolutely love it. They love the turn-up-and-go services, and they love the facilities. It is something that the city can be proud of. It is a great Bradfield-like infrastructure program that is revolutionising our city. What has Labor said over the years about the metro? Members opposite talk about how much they love housing and want houses built but, as the Hon. Susan

Carter said recently, "TODs would be just be ODs without transport." It was the Liberal Government that built the metro. It was the Liberal Government that built the transport links. In a submission to this Chamber, the member for Canterbury, the Hon. Sophie Cotsis, stated:

I am concerned the SBLC is being used as a "Trojan Horse" for the Government's true agenda of foisting inappropriate levels of residential development in communities along the rail corridor. I am concerned that, even if the SBLC delivers the benefits the Government has promised, the overall quality of life for local residents will suffer.

Those opposite somehow believe that metros are ruining quality of life for people throughout Sydney. They did not want houses along the corridors, and they did not want the benefits of the metro that the people of Sydney are now embracing. The metro is a truly revolutionary project but, unfortunately, it is being held back even further because the Labor Party is putting onto driverless trains drivers who will have absolutely nothing to do other than twiddle their thumbs and check their phones.

**The Hon. DAMIEN TUDEHOPE (15:28):** On behalf of the Hon. Natalie Ward: In reply: I thank all contributors of varying quality to the debate. I thank the Hon. Mark Latham, who sought to identify that the motion was just an attack on unions, and I think he was supported in that by Ms Cate Faehrmann. This is not an attack on unions. I am a great supporter of unions. I will go out and talk to the unions on a regular basis in circumstances where there is a rational debate in relation to the issues that are raised. In this Chamber today, the Hon. Bob Nanva conceded that there are always going to be people on these trains. What on earth was last weekend about? It is a concession to the unions in circumstances where they wanted an outcome and the Government was blackmailed into delivering this outcome when there were three major sporting events occurring in Sydney last weekend. The Government showed us its true masters by rolling over for that union.

I thank the Hon. John Graham. This was an opportunity for him to say, "Here is Labor's vision for the delivery of more metro and more infrastructure for Sydney." Because, if I understood the Hon. Mark Latham correctly, he was decrying the fact that there is no further vision for the delivery of the metro. In his criticism of Stuart Ayres in the other place, he was saying that we had delivered a metro between St Marys and Badgerys Creek. The fact is this was the Minister's chance to tell us what new metro he will be delivering out to the airport.

Vision is entirely lacking in those opposite, because they cannot afford it. They cannot afford it because the unions get in the way and want more money. Members do not have to believe me; ask Frank Sartor. He wrote about it at length in his criticism of the previous Government and its failure to be able to do anything. I say to the member for the Rail, Tram and Bus Union [RTBU], who comes in here and wants to tell us about how they negotiate in good faith, that I have in fact sat in those meetings, time after time. Alex Claassens would walk in and say, "I'm going to start crying about the safety issues which are going to exist," referring to safety issues that did not exist in the best technology in the world. I will finish by reading the message from the RTBU to its members after the union was successful. The message stated:

We are pleased to inform you that today we achieved massive progress in our bargain with Sydney Trains and NSW Trains.

It also said, "We have delivered this forever."

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

**The House divided.**

Ayes .....15  
Noes .....22  
Majority.....7

**AYES**

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

**NOES**

Banasiak	Graham	Mookhey
Borsak	Higginson	Moriarty
Boyd	Hurst	Murphy (teller)
Buckingham	Jackson	Nanva (teller)
Buttigieg	Kaine	Primrose

	NOES	
Cohn	Lawrence	Sharpe
D'Adam	Mihailuk	Suvaal
Faehrmann		

	PAIRS	
Rath		Donnelly
Ward		Houssos

**Motion negatived.**

*Committees*

**PRIVILEGES COMMITTEE**

**Reference**

**The Hon. MARK LATHAM (15:39):** I move:

- (1) That this House notes that:
  - (a) on 20 September 2024, the Select Committee on the proposal to develop Rosehill Racecourse tabled a special report entitled *Special report on a possible contempt in the inquiry into the proposal to develop Rosehill Racecourse*; and
  - (b) the report included a recommendation "That the House refer the correspondence dated 12 August 2024 to the Privileges Committee for inquiry and report on the basis that it may constitute a substantial interference with the work of the committee and therefore a possible contempt."
- (2) That the special report and recommendation of the Select Committee on the proposal to develop Rosehill Racecourse be referred to the Privileges Committee for inquiry and report.

I inform the House that the decision of the select committee to refer this particular matter to the Privileges Committee was unanimous. The committee includes three Government members and former President Primrose. Nothing matters more to the work of this Parliament than the capacity of MPs to gather evidence and information, particularly through the committee system, without a person who has provided a confidential submission being outed, identified, intimidated or in any way filtered by the organisation they wish to provide information about. Obviously, it would be a contempt of the Parliament if those individuals were identified.

There was an attempt by Racing NSW to out whistleblowers and to spread the word among their associates, "We're watching you. Racing NSW is watching you and monitoring what you're doing." That is vindictive and it is directly hampering the work of the committee. The committee has received a lot of evidence about Racing NSW. This is a very important matter of contempt that must go to the Privileges Committee. The special report spells out the seriousness of it. It states that after the hearing on 9 August, the committee received correspondence from Racing NSW that made specific reference to "allegations raised at the hearing by a member"—that member was me—"arising out of confidential information received by the committee". The report further states:

Racing NSW's correspondence stated that it had 'investigated the issues raised with utmost urgency.'

What does that mean? I put two allegations to the CEO of Racing NSW, Peter V'landys, that he emphatically denied. The first allegation was of a toxic workplace culture at Racing NSW. Under oath, he basically said, "That is completely wrong. We're all happy little Vegemites there. I haven't received a single staff complaint in 20 years." The second allegation was that the CEO interferes in the outcome of steward inquiries. He responded, "Under oath, I tell you, I have never, ever, interfered in a stewards' inquiry." So what then could be the nature of the Racing NSW investigation following the hearing on 9 August? As sure as I am standing here, Racing NSW did not investigate whether or not its CEO had told the truth—the answers had been provided to the committee on the two matters. Racing NSW did not analyse and investigate the substance of the issues—whether or not a toxic workplace culture exists or there is interference in stewards' inquiries—because its CEO, under oath, told the committee that neither is true.

It is unthinkable that Racing NSW has gone away and investigated whether or not its CEO was telling the truth. The investigation referred to in the letter has been around the source of the information that I received. Racing NSW has, in an attempted submission, now held as confidential correspondence by the committee, identified two individuals as the sources—one whom I had never heard of, neither of whom I had ever spoken to as of 9 August, and neither of whom had lodged a submission with the committee. Racing NSW submitted, "These are the sources of Latham's information, and you need to know about them." The vilification of those named

individuals is horrendous. I will tell you this. I will not be relying on any tips from Racing NSW when I am at Rosehill for the races on Saturday, because it tried to identify two whistleblowers and got it completely wrong.

What does this say about Racing NSW? The Parliament needs to understand that we are dealing with an Orwellian organisation that will tell you war is peace, freedom is slavery and black is white. We are dealing with an organisation that has not been accountable to a Minister, to the Parliament, to the Auditor-General, to ICAC, to any aspect of authority. The media is, in many cases, bought off in the Directors Room at Royal Randwick, as V'landys has said. It is an organisation that has gotten way out of control and now sees itself as more powerful and more important than the Parliament that created it. Racing NSW sees itself as having the power and the capacity to identify and intimidate whistleblowers, those who have submitted confidential submissions to the inquiry, but it has gotten that completely and utterly wrong.

This is a contempt of the Parliament that must be referred to the Privileges Committee and investigated with the utmost urgency. The Parliament cannot function if our committees cannot receive accurate, unfiltered information from those who wish to make a confidential submission, unintimidated. We cannot have the organisation the submissions are about saying, "We know who they are. Here they are," and vilifying them in an attempted submission to the committee. We cannot function that way. I understand that the Government is going to vote against the motion. It should be ashamed. As parliamentarians, to be effective legislators, we must know what is going on. We all have an interest in ensuring that unfiltered submissions are given freely to committees without the absolute contempt of an organisation trying to identify the source, intimidate them and scare them off into the future.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (15:45):** The Government does not support the motion. It does not believe that this matter should be referred to the Privileges Committee. The Rosehill inquiry is spiralling into something quite different from what was originally intended. The inquiry was established to look into the unsolicited proposal for Rosehill racecourse to be sold and the site developed to put around 25,000 houses on it—something this side of the House has been very supportive of. But that is not a matter for the Government; it is ultimately a matter for the Australian Turf Club [ATC]. The ATC is going through its process in relation to that proposal. We understand that the Opposition has to do what it can to get its inquiries up. It needs to build support across the Parliament for that. But the Government believes that the committee is operating this inquiry well outside of its defining terms of reference.

It is now swaying into a very large conspiratorial case that the Hon. Mark Latham wants to pursue. He is entitled to pursue that case, but the Government does not believe this matter should go to the Privileges Committee. This inquiry was established to look into the issues surrounding the unsolicited proposal. It has not found a skerrick of evidence or concern relating to the involvement of the Government, its Ministers or the Premier. Let us just say, there are some big personalities involved here and they have been going hammer and tong at each other. What is relevant is the purpose of the inquiry and the purpose of the Privileges Committee. The Government does not believe the matter warrants referral to the Privileges Committee.

**The Hon. SCOTT FARLOW (15:47):** From the outset I indicate that the Opposition supports the motion, which captures the recommendation in the special report of the Select Committee on the proposal to develop Rosehill Racecourse that the House refer correspondence dated 12 August 2024 to the Privileges Committee for inquiry and report. By way of background, the Hon. Emma Hurst and the Hon. Mark Latham raised concerns about correspondence received by the committee from Mr Graeme Hinton, Chief Operating Officer, Racing NSW dated 12 August 2024, responding to matters raised in the inquiry hearing on 9 August 2024. The members ventilated their concerns at a meeting of the committee on Monday 26 August 2024.

On the motion of Ms Cate Faehrmann, the committee subsequently resolved to keep that correspondence dated 12 August 2024 confidential, as it contains identifying and sensitive information and adverse mention; to make a special report to the House recommending that the correspondence be referred to the Privileges Committee for inquiry and report on the basis that it may constitute a substantial interference with the work of the committee and, therefore, a possible contempt; and to provide a copy of the correspondence to the Privileges Committee on a confidential basis, should the House refer the matter to the Privileges Committee.

The motion before the House captures the recommendation of the committee that the material be referred to the Privileges Committee for inquiry and report. The committee has resolved that the correspondence be kept confidential and, as such, I will say nothing further about that correspondence. However, I will speak to the consideration of such matters by the Privileges Committee. Having formerly served as a member of the Privileges Committee, it has been my experience that members of the committee take their responsibilities entrusted to them as members of this House seriously and approach matters with the best interests of the House in mind, often leaving political partisanship at the door. I am sure that practice continues under the stewardship of the Hon. Stephen Lawrence as chair. Consideration of such matters by the Privileges Committee is appropriate so that

the committee can take a balanced view of the material before it, come to its own conclusion and make a determination for the benefit of all members of the House.

As such, the Opposition does not see a problem with the reference of this matter to the Privileges Committee. We do not make any judgement as to what the committee may find in analysing that material. We think it is important that the Privileges Committee be given the opportunity at the outset, as outlined by the special report to the House, to consider those matters and come to its own conclusion. I am sure the Hon. Penny Sharpe has confidence in the Hon. Stephen Lawrence as chair and in all members of the Privileges Committee. I would think there would be no harm in referring this material to that committee for its inquiry and report. This House has the force of a special report from the committee. There was no objection to that referral by any member by way of a division. It is appropriate that the Privileges Committee look into the matter.

**Ms CATE FAEHRMANN (15:50):** On behalf of The Greens, I support the motion. I also state that I am a member of the select committee. It is extraordinary that the Hon. Mark Latham, who is a substituting member, has brought the motion. It is good that he has brought it, but it is extraordinary that the chair or, indeed, the Government has not brought it. There was a consensus decision by the committee to the report and the motion, as far as my recollection goes and the minutes confirm. For a member who is not a member of the committee to refer it goes to show how nervous the Opposition and Government are about taking on Racing NSW.

The contribution by the Leader of the Government in this place was extraordinary. To say that the reason the Government does not support the motion is because the Rosehill racecourse inquiry has gone off piste and is exploring other areas is gobsmacking, frankly. Witnesses have brought these issues to us as a committee. We are inquiring into Rosehill racecourse. The behaviour of Racing NSW and its CEO are coming up time and again. Based on incredibly concerning evidence and correspondence, we discussed the need to do a special report, bring it to this place and refer it to the Privileges Committee because it needed to be addressed.

Committee members hearing about the potential of witnesses to be influenced and threatened if they appear to give evidence are matters for all of us as members and for the Privileges Committee to inquire into. For the Rosehill racecourse committee, let us get on with that work. But what is coming up in the inquiry about Racing NSW is very concerning and potentially requires another inquiry. I do not usually agree with the Hon. Mark Latham, but what he said about Racing NSW is spot on.

**The Hon. EMMA HURST (15:53):** As deputy chair of the Select Committee on the Proposal to Develop Rosehill Racecourse, I support the motion. A referral to the Privileges Committee is a very serious step and not one that is taken lightly. Certainly, I cannot recall it happening in any other committee I have been a part of in the five years since I was elected. It goes to show how concerned members of the committee are about the conduct we have witnessed from Racing NSW throughout the course of the inquiry.

It began on the first day of hearings with allegations that Racing NSW may have been encouraging witnesses not to attend the inquiry and give evidence. It then developed into specific concerns that Racing NSW may be conducting investigations into confidential evidence received by the committee and attempting to uncover the identity of confidential submission authors. As the special report published by the committee notes, if proven to be true, that conduct "would have a substantial and detrimental impact on the ability of this committee to conduct its inquiry, and would be a matter of utmost seriousness". It would be a contempt of the inquiry process.

I, too, am shocked that the Government is choosing not to support the motion. We need to protect the inquiry process of this House and people who come forward to give confidential information to members of Parliament. That should be secure and protected. I am also shocked at the behaviour of an organisation that is meant to be a regulator and uphold the highest integrity standards. However, I am not surprised, given the plethora of evidence we have received through the inquiry. In fact, I have reached the conclusion that those within Racing NSW believe that they are a lawless organisation that has no accountability to the New South Wales Government or anyone else, despite the millions in taxpayer dollars Racing NSW gets.

It is outrageous that a body that receives huge amounts of government money behaves that way, which is why yesterday I gave notice of a bill to give powers to the Minister to remove the board and the chief executive of Racing NSW and to appoint an administrator. The bill will also impose a maximum term for chief executives of Racing NSW of six years, which is consistent with recommendations from the NSW Treasury report on State owned corporations. I support the motion.

**The Hon. JEREMY BUCKINGHAM (15:56):** I make a brief contribution in support of the motion. No-one has briefed me on this issue. I have not been lobbied by anyone. I have just listened to the debate in the House. I saw it on the *Notice Paper* and thought it was an interesting topic and that I would come into the Chamber and have a listen. On the basis of what I have heard about the referral by the select committee to this House and the special report it prepared, and the implications that has for the integrity of our very important committee

system in the Legislative Council, I think we should err on the side of protecting this House and the committee system that has served the people of New South Wales so well. If it was enough of an issue for that select committee to bring it to the attention of the House and prepare the special report, then it is a matter worthy of the Privileges Committee. I am not privy to what has been happening on the select committee. I have not had that interest, but I know how important the committee system is. We need to protect the integrity of that system at all times. For that reason, I support the motion.

**The Hon. MARK LATHAM (15:57):** In reply: In response to the question of Ms Cate Faehrmann about why I am moving the motion, I am doing so because I am the member whose privilege has been breached and feels there has been a contempt of the Parliament. I am named in the attempted submission by Racing NSW. That is why I have moved the motion directly. As for the Leader of the Government, it is peculiar that the Government's argument is not to say there is no contempt; it is to say the committee has gone outside its terms of reference by looking at Racing NSW. That was not the committee's choice. We can look at related matters. Racing NSW is doing the due diligence. It knew about the proposal to sell Rosehill racecourse before the board of the Australian Turf Club. It invented the brick pit proposal, which is farcical. Racing NSW has been all over this.

I inform the Hon. Penny Sharpe that I have been going to the races since 1976. I thought little about the administration of Racing NSW until I read the confidential submissions that were lodged. I went to the races all those years, looking for a winner, hanging out with friends and enjoying the great race culture that I love. I was not there to think about Peter V'landys or administration. But as parliamentarians we are duty-bound to read the submissions that come in. I read the confidential submissions and, as a racegoer, I was horrified and shocked.

I did not know half of it. They have testified against Racing NSW right across the ambit of its administration, from vets, former stewards, people who worked there, people who knew the finances—right across the whole ambit of Racing NSW. Horror stories, absolutely disgraceful horror stories, have been presented to the committee. Yes, the inquiry was about Rosehill, but what are we supposed to do with those submissions? On 9 August I put some of those points to the CEO, and the response from Racing NSW was to say, "Well, we can tell you who gave Latham this information," and then they were hopelessly wrong.

This has been an attempt to intimidate whistleblowers and to tamper with the proper processes of our committee. The Government suggests there is some conspiracy afoot, but I have explained how I have come at it. The Government, which had three members on the committee who did not object to this referral—none of whom have spoken in this debate—says there has been no contempt. We have to wonder who has been leaning on the Government to arrive at the position where the Government puts political interest ahead of the best interests of this Parliament and the proper processes of a parliamentary committee. That is the thing that is wrong here.

We all know what has gone on. Racing NSW is unaccountable to a Minister, unaccountable to the Parliament, unaccountable to the Auditor-General and unaccountable to ICAC, and it is openly and brazenly buying the media off in the directors' room. We know exactly what has gone on. I say to the Leader of the Government, we know who rings Minns and leans on him: Ben English and Peter V'landys. The Leader of the Government should be ashamed of herself.

**The Hon. Penny Sharpe:** Point of order: That was a disgraceful contribution from the Hon. Mark Latham. If he wishes to make allegations of that nature, particularly towards the Government and members within it, he should be doing so by substantive motion. This is a very narrow motion to send confidential material to the Privileges Committee. It is not an opportunity to introduce a whole range of matters when all the information is not necessarily available and able to be spoken about because it is, rightly, confidential. The Hon. Mark Latham's contribution was absolutely outrageous and he should withdraw it.

**The Hon. MARK LATHAM:** To the point of order: I was accused by the Leader of the Government of being involved in some conspiracy—the V'landys line that I am with the liars, the cheats and the wealthy breeders sending their horses to abattoirs.

**The Hon. Penny Sharpe:** I did not say anything like that.

**The Hon. MARK LATHAM:** Yes, you did. You said there was a "conspiratorial" underpinning of the motion. That was the word used by the Leader of the Government. I raised the logical point of how three Government members had no problem with referring this to the Privileges Committee when they sat on the committee, how none of them have spoken in this debate and how the Government could be putting a political interest ahead of the best interests of this House. I put forward the thing that we all know happens on the extension of Russell Balding's term and every other matter to do with Racing NSW. It is all about Ben English and Peter V'landys leaning on weak-kneed Ministers who will not stand up to something that is plain wrong.

**The Hon. Penny Sharpe:** Further to the point of order: We are not having a debate. This is well outside the standing orders. I am suggesting that the member's contribution to this debate was outside the standing orders

in making allegations about a range of different people that are not part of a substantive motion. If he wants to do it, he can bring it on, but he has not done it that way. This is a very narrow debate that deals with a referral to the Privileges Committee. Different people have different views about that, as we are all entitled to. But we are not entitled, as we contribute to the debate, to impute improper motives in relation to those views or to the way in which the Government makes its decisions.

**The Hon. MARK LATHAM:** Further to the point of order: It is hardly improper that a newspaper editor rings a party leader. It happens all the time in politics. It is how you respond.

**Ms Cate Faehrmann:** Point of order—

**The Hon. Penny Sharpe:** Further to the point of order: This is getting way out of hand. This is just wrong.

**The Hon. MARK LATHAM:** It is how you respond.

**The Hon. Penny Sharpe:** Allegations are now being made that are not even part of the debate.

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** Order! The Hon. Mark Latham will resume his seat. Did Ms Cate Faehrmann wish to take a point of order?

**Ms Cate Faehrmann:** These are not points of order anymore, and the Hon. Mark Latham is taking the liberty of extending his views on the matter and debating the point.

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** I have great sympathy with what Ms Cate Faehrmann says.

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

**The House divided.**

Ayes .....24  
 Noes ..... 13  
 Majority..... 11

AYES

Banasiak	Fang (teller)	Martin
Barrett	Farlow	Merton
Borsak	Farraway (teller)	Mihailuk
Boyd	Higginson	Mitchell
Buckingham	Hurst	Munro
Carter	Latham	Roberts
Cohn	MacDonald	Ruddick
Faehrmann	Maclaren-Jones	Tudehope

NOES

Buttigieg	Kaine	Murphy (teller)
D'Adam	Lawrence	Nanva (teller)
Graham	Mookhey	Primrose
Houssos	Moriarty	Sharpe
Jackson		

PAIRS

Rath	Donnelly
Ward	Suvaal

**Motion agreed to.**

*Bills*

**MUSIC FESTIVALS 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. John Graham.**

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

**Statement of public interest tabled.**

**The Hon. JOHN GRAHAM:** 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. JOHN GRAHAM:** I move:

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

**Motion agreed to.**

*Documents*

**ANIMAL RESEARCH AMENDMENT (RIGHT TO RELEASE) ACT 2022 CORRESPONDENCE**

**Production of Documents: Order**

**The Hon. EMMA HURST (16:12):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution all correspondence relating to the Animal Research Amendment (Right to Release) Act 2022 sent or received since 1 May 2024 in the possession, custody or control of the Minister for Agriculture, Minister for Regional New South Wales and Minister for Western New South Wales, or the Department of Primary Industries and Regional Development, and any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Members will recall that in the last term of Parliament the Animal Justice Party, with the support of both major parties, passed the Animal Research Amendment (Right to Release) Bill 2022. This was an important piece of legislation to introduce new mandatory requirements for research organisations to rehome dogs and cats used in experimentation, which rarely occurred prior to the bill. We knew at the time that hundreds of cats and dogs were having their bodies used for experimentation purposes but also that many of those animals would be born into medical experimentation and die there. Those in the animal research sector went out of their way to make sure the public did not know that cats and dogs were used in experiments, often choosing to kill animals at the end of experiments rather than rehome them, in case the public found out.

This all changed with the passing of the right to release bill, which began in this House and was supported by both major parties in the lower House. The bill introduced new reporting requirements regarding the use of cats and dogs in research and their rehoming rates. It has now been a couple of years since the bill passed. The New South Wales Government is now in the process of rolling out a \$2.5 million grant program to support the rehoming of animals that have been used in experimentation. This is all fantastic news and forward progress. But the bill is now in effect and it would be useful to have oversight into how it is working and any welfare concerns or outcomes that have arisen. This is the usual process for most bills, but normally that is because a Minister has carriage of a bill.

Ministers have some level of oversight as to how the legislation is running after a bill is passed. As a member of the crossbench, I do not have the same access to be able to assess how that bill is going, even though I had carriage of the bill. I also note that the industry remains extremely secretive. It is not as simple as me reaching out to the industry to get feedback in this case. Therefore I put forward this order for documents under Standing Order 52 [SO 52] as probably the only route that will uncover this information in order to get an understanding of how the aspects of these new laws are helping animals. Accordingly, this SO 52 seeks a narrow scope of documents, namely correspondence sent or received since 1 May 2024 relating to the Animal Research Amendment (Right to Release) Act 2022. It should not be at all onerous or difficult for the department to comply with. With those comments I commend the call for papers to the House.

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (16:15):** On behalf of the Government, I indicate that it will not be opposing the motion moved by the Hon. Emma Hurst. Transparency is, of course, a foundation of good government. In this situation the Government agrees to produce the documents. It is important to note that rehoming is not mandatory under the Australian code. However, the Animal Research Amendment (Right to Release) Act, which commenced in November 2022, requires research establishments to take reasonable steps to rehome dogs and cats kept for use in research after they cease to be used in research, or after they have been kept for use in research for three years, whichever occurs sooner.

The supervising animal care and ethics committee can only approve an exception to the three-year limit rule if it is satisfied that the animal research project is justified to run for longer than three years, and at least one

veterinary member of the animal ethics committee is satisfied that animal welfare will not be compromised. Researchers must provide exercise, environmental enrichment, socialisation, handling and basic training, as appropriate for animals, whatever the species. It is worthwhile updating the House on how recent amendments to the bill are progressing. The Department of Primary Industries and Regional Department, in consultation with the Animal Research Review Panel, is currently developing policies and procedures to facilitate the effective implementation of the right to release amendment. That includes a compliance guideline and a suite of resources to ensure that the industry understands its responsibilities to comply with the right to release amendment.

The compliance guideline is currently out for industry consultation. It is anticipated to be available for publication in early 2025. I am sure the compliance guideline will be of interest to the member who has moved the motion. I am happy to keep her briefed and up to date on how the work is progressing. Liaison with key industry stakeholders has been crucial in ensuring the ongoing welfare of the animals is underpinned by a shared understanding of what is required. I acknowledge the member's interest in such issues, particularly her contribution in pursuing the bill in the first place. The Government will produce the documents. The Government is also happy to continue to provide information to the Hon. Emma Hurst on how the work is developing, particularly given her keen interest in the area.

**The Hon. SCOTT FARLOW (16:17):** I acknowledge the comments by the Hon. Tara Moriarty that the Government will not oppose the motion. The Opposition will support the motion of the Hon. Emma Hurst in the interests of transparency and openness. I commend her for moving the motion.

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

**Motion agreed to.**

#### *Committees*

### **SELECT COMMITTEE ON THE PROPOSAL TO DEVELOP ROSEHILL RACECOURSE**

#### **Extension of Reporting Date**

**The Hon. SCOTT FARLOW (16:18):** I move:

That the reporting date of the Select Committee on the Proposal to Develop Rosehill Racecourse be extended to 6 December 2024.

I have moved a motion seeking a short extension of the reporting date of the Select Committee on the Proposal to Develop Rosehill Racecourse. As the chair of the select committee, I have moved the motion on behalf of the committee. Committees of the House seek extensions to reporting dates as a matter of course, usually at the recommendation of the committee secretariat, who we all know are under intense pressure, with the latest report from the Clerk outlining that the Legislative Council secretariat is currently administering 30 committees. Let us be clear on what we are here to debate today: a six-day extension to the reporting date of the committee from 30 November to 6 December. I note that this is a very small and restrained procedural extension that the committee is seeking.

This motion was sought to be moved for formal business last week and was objected to by the Government. The motion for the extension was moved within the committee by the Hon. Emma Hurst on the advice of the committee secretariat. No member of the committee raised any objection to the extension, including Government members. The committee has a reserve hearing day on 21 October. While the committee has not yet met to decide on any further witnesses to appear on that day, the Secretary of the Department of Planning, Housing and Infrastructure outlined before the last hearing that she was unable to attend on that date because of other engagements but would be willing to attend another hearing. The committee acquiesced to that request and I will most certainly be seeking her attendance on 21 October before a committee deliberative meeting.

Because of the pressure placed on Hansard by the number of committees, transcripts for past hearings have already been delayed. The secretariat advised the committee that a short, restrained extension of six days would be advisable to allow sufficient time for the transcript to be prepared, to enable the return of questions on notice and to consider any matters raised from that return in the final report of the committee. Dozens of extensions are sought by committees of the House through formal business with no great fanfare. In my more than nine years in this place, I cannot recall debating an extension of a committee reporting date of six days. I am hard pressed to remember any debate on an extension during my time in the House.

I note that last Wednesday, when I sought this extension, extensions of reporting dates were moved in formal business for Portfolio Committee No. 1 - Premier and Finance on behalf of the Hon. Jeremy Buckingham and for the Joint Select Committee on Arts and Music Education and Training by the Hon. Emily Suvaal. Neither were objected to by the Government. The reporting date for the Portfolio Committee No. 1 inquiry was extended to 8 April 2025. Its original reporting date was slated for 26 September 2024 and it had already received an extension to 21 November 2024. With respect to the joint select committee extension sought by the Hon. Emily

Suvaal, it was to 13 December 2024 from 29 November 2024. Again, there was no objection from the Government. The fact that we have to debate this motion here today is an insult to the House and its members and a reflection of the Government's approach to our committee system and its bloody-mindedness in this place. I commend this very modest procedural motion to the House and apologise to the House that we are in the position today of debating a six-day extension.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (16:21):** There is no need for the chair of the committee to apologise for what is a reasonable question for the House to consider. Members may have a different view to that of the chair. This is a legitimate question. We clearly have different views in relation to the outcome, but this should not be seen as a surprise. I am aware of times when there has been debate about extensions of committees. This is not an unusual thing. The point here, which I alluded to in the previous debate, is that what started as a committee looking into the unsolicited proposal regarding the Rosehill racecourse, which has been well debated in this place—I will not canvass it again today—has gone far wider than perhaps even the chair of that committee expected it to. The Government believes that a lot of information has been provided to the committee and there is no reason that the reporting date should be extended. The Government does not support the extension.

**The Hon. SCOTT FARLOW (16:23):** In reply: All I would say is it is a very simple six-day extension at the request of the committee secretariat. I again ask members of the House to support the motion.

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

**Division called for.**

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

**Motion agreed to.**

#### *Bills*

### **PORTABLE LONG SERVICE LEAVE 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. Penny Sharpe, on behalf of the Hon. Daniel Mookhey.**

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

**Statement of public interest tabled.**

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

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

**Motion agreed to.**

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

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

**Motion agreed to.**

#### *Motions*

### **ELSIE WOMEN'S REFUGE**

**The Hon. Dr SARAH KAINE (16:26):** I move:

- (1) That this House notes that:
  - (a) in March 1974 a group of women broke into two empty houses in Glebe and claimed squatters' rights so that they could use the house to assist women and children escaping domestic violence;
  - (b) this house, known as Elsie, became Australia's first women's refuge; and
  - (c) the establishment of Elsie Women's Refuge launched a movement across Australia to provide housing and support to those escaping violence.
- (2) That this House welcomes the former houses of Elsie Refuge being added to the State Heritage Register.
- (3) That this House thanks the women who took action to protect women and children from violence and all those who work to eliminate gender-based violence in our communities.

This motion recognises a remarkable group of women. Like so many remarkable women in history, there is a danger that their names may not be remembered. I outline what it is that they did and what we owe them for collectively, to make sure that those names are heard and that we remember them. Just this weekend past was the celebration of 50 years since a group of women took direct action to establish a women's refuge in Sydney. It took place in 1974. Those women understood and identified that there was a lack of support for women suffering from domestic violence. It is important to note that while we are very aware of the issue of domestic violence, while we talk a lot about it and understand the seriousness of it and the need for the types of support that we as a society should provide, we have to cast our minds back 50 years ago when that was not the case. In fact, many issues that affected women were not mainstream and it was groups of women like these that took direct action to ensure that we made progress.

In 1974 a group of women essentially broke into some derelict houses in Glebe and took them over in order to assist some of the most vulnerable women in the city at that stage. I recognise those women—Dr Anne Summers, Jennifer Dakers, Bessie Guthrie, Jozefa Sobski, Robyn Kemmis—and the many others who supported them. I will read an extract from a book by Anne Summers looking back on the establishment of the refuge after 25 years. She wrote:

It is not always obvious at the time that history is being made. Not when you are far too busy and inflamed with an idea whose time you hope has come to be peering into posterity, and when at least part of what you are doing is barely legal. You don't think much beyond the moment. Certainly none of us who founded Elsie Women's Refuge had any idea we had created a service that would prove to be so necessary. Elsie—

which was the name of one of the houses that the women broke into—

was truly an Australian original. Unlike many other initiatives of the Women's Liberation Movement, it was not a local version of an American import, and although there was a women's shelter in London the one we began owed nothing to it. Elsie was the work of a very small number of women initially, but soon became a cause that would involve thousands, many of whom have dedicated most of their working years to helping other women escape lives made intolerable by domestic violence.

I pay tribute to those women, in the same way that we pay tribute to other women who have broken ground for us, like the suffragettes and other women who have fought for our rights over time. I want them to be held in that pantheon, and I also reflect that what was seen at the time as radical action was absolutely necessary. It reminds us that things that seem radical at one moment in history sometimes—in fact, quite often—are proven to be exactly the course of action that is required. I again thank those women.

**The Hon. AILEEN MacDONALD (16:31):** I commemorate 50 years since a group of determined women broke into two vacant houses in Glebe in an act of defiance against a system that failed to protect women and children escaping domestic violence. They did not know it at the time, but those six women created a shelter that not only shielded women and children from domestic violence but also sparked a nationwide movement altering our society's views on such atrocities.

As mentioned already, the six Australian trailblazers were Dr Anne Summers, Jennifer Dakers, Carole Baker, Margaret Power, Lina Clayton and Bessie Guthrie. It sounds archaic, but they used squatters' rights to transform those empty houses into what they called Elsie Women's Refuge. It was to become Australia's first women's refuge. As someone who has championed the rights of women, and always will, it is with considerable pride that I honour the former homes of the Elsie refuge being added to the State Heritage Register. Little did those women know they would create history. They created a turning point that saved thousands of lives and helped countless families find safety.

As a Liberal member of this Parliament and the shadow Minister for Youth Justice, I place on record how proud I am of the previous Coalition Government. It delivered the largest ever funding commitment to the prevention of domestic violence—\$787 million. That issue is close to my heart. I paid a visit to one of the core and cluster models in Armidale last month. It continues to serve the region well, as it has for the past 50 years. I also recently visited a development site in Tamworth for a similar facility.

I am proud to belong to the party that took the issue seriously and introduced landmark legal reforms. We criminalised coercive control, made changes to sexual consent laws and ensured that justice is served and that women are protected. I conclude by acknowledging the courageous and tireless work of those six women in 1974 who defied a disturbing societal trend and took action to safeguard women and children. Their legacy shows that change requires action, not just words. It is now incumbent upon all of us to honour that legacy by continuing their fight until every woman and child can live free from violence.

**Ms ABIGAIL BOYD (16:34):** On behalf of The Greens, I support the motion. The establishment of the Elsie Women's Refuge 50 years ago represented a critical turning point in Australia's history—the first women's refuge, the consolidation of the second wave of modern, organised feminism in Australia and the birth of what we know today as the domestic and family violence sector. Elsie provided a respite for women escaping violence. It supplied food, sanitation and information, empowering women to make decisions for themselves and to reclaim

their lives. Moreover, it was a safe place for women to confront and deal with their trauma alongside other victim-survivors and support people, facilitating their healing and recovery.

In the early 1970s, the need for safe places for victim-survivors of domestic and family violence was growing. Elsie sought to fill that void by providing that safe space, run for women and by women, with the mission that one day there would be no need for refuges. Sadly, 50 years later, rates of gendered abuse and femicide have not decreased as hoped but instead continue to soar, with demand for women's refuges only increasing each day. In the early years Elsie relied entirely on volunteers to operate the refuge, with no legal protections for workers and perpetrators regularly seeking out the refuge and threatening violence against victim-survivors. Eventually Elsie secured pools of funding, as did future refuges established in later years.

Australia is now home to over 800 refuges and shelters that provide crisis accommodation and wraparound specialist support for countless victim-survivors. Although today's refuges certainly receive more funding than 50 years ago, State and Federal governments continue to largely ignore the demands of the sector to invest the levels of ongoing and sustainable core funding that is needed on the front line. The refuge movement is rooted in the fight for collective and inclusive liberation for all women—something that we cannot achieve without properly funding services and programs that are truly safe and accessible, including for women with disabilities, trans and queer women, First Nations women, women from culturally and linguistically diverse communities, and older women.

Adding Elsie to the New South Wales State Heritage Register is a welcome and monumental signifier of Australia's refuge movement. It is a testament to the 50 years of growth, advocacy, support, dedication and commitment of the courageous domestic and family violence sector, which grew following the establishment of Elsie. However, it is also a timely reminder of how far we still have to go in eradicating violence against women and children. In passing the motion, we must reflect on Elsie's original mission: to create a world where refuges like Elsie are not required. For that to happen, we need far more than words and heritage listings. We need governments that are prepared to drive real, transformational change, to listen to victim-survivors and experts, and to deliver the services and programs that will one day end the scourge of domestic and family violence in our State.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (16:37):** Catie Gilchrist wrote for the *Dictionary of Sydney*:

Armed only with broomsticks, shovels and energetic determination, they changed the locks to establish residency and claimed squatter's rights. On that day, 16 March, the women declared Elsie Women's Refuge Night Shelter open as Australia's first emergency safe haven for women and children subject to domestic violence.

That quote is now attached to the fence of the building that was the Elsie refuge and is now social housing. This important motion recognises the history of the women's liberation movement in Sydney and the courageous tenacity of women who were very radical at the time and who decided that, rather than asking for permission, they would take the action that was needed to protect women and children from violence. It was a time when domestic and family violence was considered a private matter between a woman and her husband, which was not to be spoken of but to be ignored. There was nowhere for women to go.

As a result of the opening of Elsie refuge, literally thousands of people over many years went through the doors. One of those women whom we honoured last Sunday was author Mandy Sayer. I recommend her books. She told the story of the night that she escaped her stepfather with her mother and baby brother after they had seen her stepfather dragging her mother by the hair. In the rain in their pyjamas, they got in a cab and did not know where to go. But the cab drivers of Sydney knew that Elsie Women's Refuge was a safe place. Mandy and her family went to the police station to report the assaults, but in the middle of the night they were also taken in by the women of the Elsie refuge. Those women fed them, gave them a cup of tea and provided a safe place for Mandy, her brother and her mother for the first time in a long time. That is what women's refuges do.

Women's refuges recognise the impact of violence not just on women but also on their children. They recognise that they need to take people in at all hours of the day and night. They recognise the need for support, including helping people to get a pension or deal with Family Court matters. They provide the time and space for a person to heal from trauma before they find a place to go in the future. I am proud that Elsie Women's Refuge has been placed on the State Heritage Register. That was a good recommendation. It recognises the role of radical women. Particularly, I acknowledge the lesbian women involved in the refuge, who are part of the history of Sydney. Offering more than words, the Government is taking action by allocating \$4 billion in the budget to build 8,700 homes, half of which will go to women escaping domestic violence. Another \$230 million in new funding has been put forth to extend programs to eliminate violence in our community.

**The Hon. Dr SARAH KAINE (16:40):** In reply: I thank members for their contributions to debate on this motion. The Hon. Aileen MacDonald continues to demonstrate her commitment to issues that impact women,

and I appreciate that. She reminded us that there is still a fight to be had some 50 years on. We should try to channel the spirit of those pioneering women. Ms Abigail Boyd gave us a sober reminder of the continuing demand for services like Elsie Women's Refuge. The Hon. Penny Sharpe highlighted something that can be difficult to understand. I was born 50 years ago, and what was accepted and expected in intimate relationships was very different at that time. The refuge was an important development in an environment where people did not understand the role society had in trying to keep women safe. The Hon. Penny Sharpe also noted the healing aspect of refuges such as Elsie refuge and those that have followed.

I commend the Government and the Minister for including this important landmark on the heritage list and making sure it is there for generations to come. Elsie Women's Refuge is not necessarily a joyful reminder of our past, but it is a reminder of the pioneering work of a particular group of women. That work continues. Those of us who are concerned with these issues must build on the foundations that were set down for us 50 years ago. The contributions to this debate reminded me that despite the differences between members and the fights we may have over policy issues, particularly on private members' day, there is a deep, true and shared commitment among members of this place to ensuring that women are kept safe and supporting the services that do that. I commend the motion to the House.

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

**Motion agreed to.**

#### *Documents*

### **MCPHILLAMYS GOLD PROJECT**

#### **Production of Documents: Order**

**The Hon. SAM FARRAWAY (16:43):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents in the possession, custody or control of the Premier, the Minister for Finance, Minister for Domestic Manufacturing and Government Procurement and Minister for Natural Resources, the Minister for Climate Change, Minister for Energy, Minister for the Environment and Minister for Heritage, the Premier's Department, the Cabinet Office, the Department of Climate Change, Energy, the Environment and Water, or the Department of Primary Industries and Regional Development relating to the McPhillamys goldmine and the Aboriginal and Torres Strait Islander Heritage Protection (Kings Plains) Declaration 2024:

- (a) all correspondence with the Commonwealth Government, including Ministers or agencies, relating to the Aboriginal and Torres Strait Islander Heritage Protection (Kings Plains) Declaration 2024;
- (b) all documents relating to potential alternative sites for the McPhillamys goldmine tailings dam;
- (c) all documents relating to accelerating approvals for the McPhillamys goldmine tailings dam; and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

The motion is quite simple. It is a call for papers under Standing Order 52 that relates to the McPhillamys Gold Project near Blayney. The matter was debated extensively last week both through motions and the debate on the matter of public importance. I accept from the outset that the Premier has had a lot to say about the mine. He made some strong commitments in the media following the decision. The issue was also prosecuted to a degree during the budget estimates hearings, but not a lot came from that. The Minister for Natural Resources has been on the front foot compared with her colleagues in Canberra. She met with Jim Beyer, the CEO of Regis Resources, and has continued to have that dialogue. The company has acknowledged her work as Minister. Unfortunately, the problem for the Government is that its colleagues in Canberra continue not to inform the community about how and why the section 10 decision was made. There is a cloud of secrecy around the cultural claim and its significance, and the community deserves to know about it. Quite frankly, the community is smart enough to make its own judgement about the local significance of that claim.

This order for papers seeks correspondence between the Minister, the Government of New South Wales, and the Commonwealth Government, including its Ministers and agencies, relating to the Aboriginal and Torres Strait Islander Heritage Protection (Kings Plains) Declaration 2024. There has been much talk about the tailings dam. The Minister has made it clear that a lot of the approvals and processes happened under the previous Coalition Government, but the same processes would apply now. The Independent Planning Commission process was triggered by our robust and rigid planning and environmental processes, and hearings were held as a result.

The New South Wales Government can play an important role here, if only to expose what the Federal Government has not done. The community really wants to know about the alternative approaches and sites relating to the tailings dam. What, if anything, happened around accelerating the approvals for the tailings dam? I raise that because the Premier said on record in the media that he would look to accelerate planning approvals if the mining company requested that or proposed an alternative site. It is only fair that we see the documentation around

whether that is or is not possible and what work has gone into it. Obviously, we also want to see any legal or other advice regarding the scope or validity of this order of the House.

The matter was debated in this Chamber all last week. That was an important debate. I did not agree with all of the contributions, particularly those from members of The Greens. Nevertheless, that is democracy in action. The New South Wales Government talks about supporting the project and the jobs it would create, but the community's understanding is no further advanced than it was when Tanya Plibersek announced the section 10 declaration over large parts of the site for the proposed Regis goldmine. Through this order for papers, the Parliament can get some information out there.

As I have said, the Government is on record as supporting the project to a degree. It is still in dialogue with the company. It is pretty clear that the Prime Minister will not take Regis's phone calls. Tanya Plibersek would not speak with Regis for quite some time and did not have dialogue with Blayney Shire Council. The unintended consequences for Blayney shire were raised in debate last week. Dungeon Road is a public road that has been dragged into this section 10 declaration. The council has sought legal advice and heard that it is not allowed to grade the road or provide upkeep. That is just one consequence among many. If the New South Wales Government is true to its word on the public record to date, it should not have any issue with this order for papers. If anything, this motion allows the House to put more pressure on Canberra to come good with more information for Blayney shire.

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (16:49):** On behalf of the Government, I indicate that we do not oppose the call for papers. I understand a number of amendments will be moved during debate, so I reserve my right to respond to those later in the debate. The Hon. Sam Faraway spoke about the actions I have taken and the fact that the House has canvassed those extensively. It is certainly not news to say that the Premier, the Treasurer and a range of senior Ministers have made our position on this project clear. We are disappointed in the decision of the Federal Government. We think the McPhillamys goldmine is an important project. It is worth about \$1 billion in investment, about \$200 million in royalties and about 800 jobs for the people of New South Wales. In understanding that and wanting to pursue the project, we have not sought to engage in stunts. We have sought to find practical solutions and a way through because, as I have said extensively, New South Wales has significant deposits of critical minerals and high-tech metals, and we want to be able to establish a supportive investment environment for those.

As I have regularly said, New South Wales has a stable and robust regulatory framework that assessed this project and granted it approval last year after a range of environmental, heritage and social impacts were considered. To address the question about the cloud of secrecy or the community's need to know, the Government has been open and transparent about its position. On alternative sites for tailings dams, the Government has also been really clear that, ultimately, the next steps are for the company. The geological, environmental and other appropriate studies need to be undertaken by the proponent and brought back to the New South Wales Government. Those will take time, and that is why the CEO of Regis Resources, who I thank for his constructive engagement, has said it could take five to 10 years. As a government, we will do what we can to facilitate that passing through the planning process, but ultimately the questions around alternative sites are for the company. The Government does not oppose this call for papers.

**The Hon. TANIA MIHAILUK (16:52):** I lend my support to this important motion, and I acknowledge the Hon. Sam Faraway for calling for these papers. If he had not, I would have. Last week I was delighted that this House, in basically a united front, sent a strong message to the Federal Minister, Minister Plibersek, that it is disappointed with her recent section 10 declaration. The House indicated its support for the McPhillamys goldmine to proceed in Blayney, New South Wales, given the significant investment that could potentially be derived from the site to boost the local, State and national economies. Of course, the House also formally asked that the Minister reconsider her position. I also suggest an amendment to the motion. I move:

That the question be amended by:

- (1) Inserting "the Minister for Planning and Public Spaces" after "Minister for Heritage".
- (2) Inserting "the Department for Planning, Housing and Infrastructure" before "or the Department of Primary Industries and Regional Development".

I am hoping for support from both the mover and the Government, who have indicated they do not oppose the amendment. It is important we get all of the documentation into the public realm. The Minister rightly said that many hold the view that there is a cloud of secrecy, and the best way to avoid that is to get all of the documentation out for the public—and certainly this House—to peruse. By adding the Minister for Planning and Public Spaces and the Department of Planning, Housing and Infrastructure to the call for papers, we will potentially see the type of correspondence that has taken place. We have been told time and again by the Premier and the New South

Wales Government that support for this project was given at every stage, so I do not think the Government would be concerned about having that documentation in the public realm.

I also indicate that I have already asked the Minister for Heritage to provide information in relation to any documentation between her office and NSW Environment and Heritage. I know that will possibly be part of the broader department that is already in the motion, but it is important to note that I already asked for that detail and that documentation to be made public in budget estimates hearings, and I asked the Minister again last week. Let us make all the details and documentation public so people can see how the New South Wales Government supported this project or if, in fact, it did not. I support the amended motion.

**Ms CATE FAEHRMANN (16:55):** I move:

That the question be amended by:

- (1) Omitting paragraph (b) and inserting instead:
  - (b) all documents relating to the McPhillamys goldmine tailings dam, including potential alternative sites;
- (2) Inserting after paragraph (c):
  - (d) all correspondence with, and documents held by, Heritage NSW regarding cultural heritage assessments and deliberations concerning the cultural heritage impacts of the mine and its tailings dam, other than culturally sensitive materials received in confidence.

I move that amendment noting that the mover of the motion will be clarifying that the documents will go back to 1 March 2023. Therefore, some of what would have been uncovered as a result of the amendment I am moving, should it be accepted, will not be covered by this Standing Order 52 motion. That includes a lot of the cultural heritage assessment relied upon in 2019 and 2020 and the cultural heritage impact assessments. However, The Greens have a general tendency to support calls for documents so that the public as well as members in this place can understand the deliberations of Government. While we are on different sides as to the deliberations by the Federal Minister for the Environment on the cultural heritage impacts of the tailings dam at the proposed McPhillamys goldmine, I will also be interested to see what is uncovered. The Greens support the motion.

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (16:57):** By leave: The Government does not oppose either of the amendments because it does not oppose the release of the information. The addition of the dates is helpful in terms of clarity.

**The Hon. SAM FARRAWAY (16:58):** In reply: To keep business of the House moving, I briefly deal with the amendments moved. I do not have an issue with them, and we will move forward. I move:

That the question be amended by inserting "created since 1 March 2023" after "the following documents".

We want to know if matters were raised by the Commonwealth with the New South Wales Government over the past 18 months. Obviously, those documents will demonstrate that.

**The PRESIDENT:** Mr Faraway, are you trying to move an amendment?

**The Hon. SAM FARRAWAY:** Yes. Do I need to move it as an amendment?

**The PRESIDENT:** You are speaking in reply, so you cannot just do that. You have to seek leave to do it.

**The Hon. SAM FARRAWAY:** I need to move an amendment to clarify how far I want to go back with this Standing Order 52.

**The Hon. Penny Sharpe:** You need to seek leave.

**The Hon. SAM FARRAWAY:** I seek leave to move an amendment.

**Leave granted.**

**The Hon. SAM FARRAWAY:** I move:

That the question be amended by inserting "created since 1 March 2023" after "the following documents".

**The PRESIDENT:** Even though the Hon. Sam Faraway has moved his amendment by leave, the challenge is that he has moved it in his reply. That means members cannot debate that amendment. The Hon. Courtney Houssos might have views.

**The Hon. Courtney Houssos:** I will contribute by taking a point of order. It would be the appropriate place for the member to move the amendment, having had a little bit of experience doing these myself.

**The PRESIDENT:** Yes. Please proceed.

**The Hon. Courtney Houssos:** Point of order: The question should be amended by inserting "created since 1 March 2023" after "the following documents". The paragraph would read:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents created since 1 March 2023 in the possession, custody or control ...

I think that would be the appropriate place.

**The PRESIDENT:** Is that, in fact, the exact amendment that the Hon. Sam Faraway was moving?

**The Hon. SAM FARRAWAY:** Yes, that point of order was brilliant. I support the point of order. With that insertion, I seek the documents created since 1 March 2023.

**The PRESIDENT:** The Hon. Sam Faraway has moved a motion, to which the Hon. Sam Faraway, the Hon. Tania Mihailuk and Ms Cate Faehrmann have moved amendments. The question is that the amendment of the Hon. Sam Faraway, as assisted by the Hon. Courtney Houssos, be agreed to.

**Amendment of the Hon. Sam Faraway agreed to.**

**The PRESIDENT:** The question is that the amendment of the Hon. Tania Mihailuk be agreed to.

**Amendment of the Hon. Tania Mihailuk agreed to.**

**The PRESIDENT:** The question is that the amendment of Ms Cate Faehrmann be agreed to.

**Amendment of Ms Cate Faehrmann agreed to.**

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

**Motion as amended agreed to.**

## RACING NSW AND NSW POLICE FORCE

### Production of Documents: Further Order

**The Hon. MARK LATHAM (17:02):** I move:

- (1) That this House notes that:
  - (a) on Wednesday 7 August 2024 this House ordered the production of documents from Racing NSW relating to Racing NSW and the NSW Police Force;
  - (b) on Tuesday 3 September 2024 a return was received from Racing NSW, stating that:
    - (i) "the Orders for Papers process are directed at the production of State Papers";
    - (ii) "Racing NSW is not a government department or agency for the purposes of the Orders for Papers process";
    - (iii) "section 5 of the Thoroughbred Racing Act 1996 (NSW) entitled *Racing NSW independent of Government* states that "Racing NSW does not represent the Crown and is not subject to direction or control by or on behalf of the Government", and that, "accordingly, Racing NSW is not subject to the Orders for Papers process.";
  - (c) the correspondence received from Racing NSW on Tuesday 3 September 2024 also stated that "there would not be any documents in the possession of Racing NSW which would not have otherwise been produced by the Minister for Police and NSW Police", and "it would result in unnecessary duplication if Racing NSW also produced the documents"; and
  - (d) in response to a previous order of the House of Wednesday 24 November 2021 for the production of documents relating to Mudgee Race Club, Racing NSW failed to return documents to the House as ordered.
- (2) That this House notes:
  - (a) the advice of Mr Bret Walker, KC, tabled on 18 November 2015, concerning Standing Order 52 and independent entities, namely Greyhound Racing NSW as constituted under the Greyhound Racing Act 2009, which stated that, "My conclusion overall is that these so-called 'independent' entities, groups or persons with public functions, such as Greyhound Racing NSW, are amenable to orders for papers addressed to them by the Council. The suggestion by the Premier's Department is therefore sound: the Council's order may be given directly to Greyhound Racing NSW. It follows that Greyhound Racing NSW is compelled to comply with the order on pain of its responsible officers being in contempt of the House.";
  - (b) that on Wednesday 14 September 2016 this House considered its powers under Standing Order 52 to order the production of documents from entities not subject to ministerial direction or control;
  - (c) that on Wednesday 14 September 2016 this House reiterated a previous order for the production of documents from Greyhound Racing NSW, and notwithstanding the provisions of the Greyhound Racing Prohibition Act 2016, on Wednesday 12 October 2016 documents were received directly from Greyhound Racing NSW; and

- (d) that notwithstanding variations in governing legislation, in accordance with the power of the House to order the production of documents under Standing Order 52, this House continues to receive returns of documents directly from entities which are not subject to ministerial direction or control, including Greyhound Racing NSW, the Greyhound Welfare and Integrity Commission, the Local Government Boundaries Commission, the Natural Resources Access Regulator and the Valuer-General, as well as correspondence from the Office of Transport Safety Investigations.
- (3) That this House, accordingly:
- (a) asserts its power to order the production of documents in the possession, custody or control of Racing NSW, which is obliged to comply with orders made by the House under Standing Order 52; and
- (b) rejects the view of Racing NSW that it is not subject to orders for the production of documents made by the House under Standing Order 52.
- (4) That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 August 2017 in the possession, custody or control of Racing NSW:
- (a) all documents, including ephemeral or facilitative messages, relating to requests from Racing NSW for the authorisation of telephone taps, including requests from a Racing NSW executive directly to the Commissioner of Police;
- (b) all documents, including ephemeral or facilitative messages, relating to reports, findings or recommendations by police officers regarding, or based on, their experience working or liaising with Racing NSW integrity, investigations and stewards processes;
- (c) all documents, including ephemeral or facilitative messages, relating to all requests or communications received from Racing NSW regarding NSW Police Force priorities for the investigation of alleged criminal acts, including the NSW Police Force responses to these requests;
- (d) all documents relating to the order of the House of 7 August 2024 for the production of documents relating to Racing NSW and the NSW Police Force; and
- (e) any legal or other advice regarding the scope of this order of the House or validity of the House to order the production of documents under Standing Order 52.
- (5) That, should Racing NSW fail to table the documents in compliance with this resolution, it will be a matter for the House to take necessary actions and further steps to address the issue of noncompliance, including calling representatives of Racing NSW to attend at the Bar of the House.

It is my pleasure to move this motion in support of the powers of this Chamber in relation to calls for papers. In particular, I refer to the outstanding work of the Australian Labor Party in the last term of Parliament to assert the rights of the Legislative Council to call on Standing Order 52 [SO 52] and make bodies accountable, particularly bodies created by this Parliament. This motion honours the outstanding work of the "Take a Looky, Mookhey" library and all the work that the Hon. Penny Sharpe, the Hon. John Graham, the Hon. Courtney Houssos and the Hon. Daniel Mookhey made in the last term of Parliament in confirming our powers of SO 52. Indeed, in the last term of Parliament, the outstanding former shadow Minister for Better Regulation and Innovation, the Hon. Courtney Houssos, moved an SO 52 relating to documents held by Racing NSW concerning the Mudgee Race Club. More recently in the debate about the extension of the term of Russell Balding at Racing NSW, the Deputy Leader of the Government, the Hon. John Graham, said:

The Leader of the Opposition does well to raise the traditional powers of this House, including the call for papers power under Standing Order 52. Those powers have been tested in the past, including in relation to organisations of similar standing to Racing NSW, and they have been found to be successful.

How correct he was because, on the advice that I received from the Clerks, in accordance with the power of the House to order the production of documents under Standing Order 52, this House continues to receive returns of documents directly from entities that are not subject to ministerial direction or control, including Greyhound Racing NSW, the Greyhound Welfare Integrity Commission, the Local Government Boundaries Commission, the Natural Resources Access Regulator and the Valuer General, as well as correspondence from the Office of Transport Safety Investigations. Why should Racing NSW be any different?

The House has legal opinion from the eminent Bret Walker, KC, who stated that it is an absurdity that an entity like Racing NSW, having been created by this Parliament, would not be accountable to this Parliament. I remind honourable members who have any doubt that we created Racing NSW; it did not create us. Accordingly, the Standing Order 52 call for papers powers of this Chamber must prevail. In the case of the Hon. Courtney Houssos, Racing NSW totally ignored her SO 52. There was no response.

In my case a few weeks ago, its general counsel, Pete Sweney, argued that because Racing NSW does not represent the Crown, it is not subject to direction or control on behalf of the Government and it is not subject to SO 52s. Mr Sweney should bone up better on his law. It is true that Racing NSW is not responsible under direction of the Crown, but so what? We are the Parliament; we are not the Crown. We are the Parliament; we are not the government. His argument is completely irrelevant. Again, I am impressed by other legal opinion. In 1996 in

*Egan v Willis & Cahill*, Priestly J gave the following guidance on what documents fall within the boundaries of reason or necessity under our call for papers:

In my opinion it is well within the boundaries of reasonable necessity that the Legislative Council have power to inform itself of any matter relevant to a subject on which the legislature has power to make laws.

That is an important point. How can our Parliament, having established under the Thoroughbred Racing Act 1996 the entity called Racing NSW, make judgements about how the statute can be improved, how Racing NSW might be subject to some amendments and how we, as legislators, can make best laws for New South Wales if we do not have access to any of the documents of Racing NSW? The argument essentially put by Priestly J is one of the roles of the good legislator. We need to inform ourselves about an entity like Racing NSW, which we know is subject to extensive criticism from within and from many other credible people in the racing industry.

How do we, as legislators, inform ourselves about possible amendments to the Thoroughbred Racing Act if we do not call for documents and have an understanding of what is actually happening at Racing NSW? Clearly Racing NSW, which has not been subject to ministerial direction or feels it is not responsible to the Parliament, the Auditor-General, ICAC, the media or anyone else, believes it is the law. It sees itself as having become the law to the point where it can write a letter saying that it will not comply with the call for paper powers of the Legislative Council. To be good legislators, we must know what is going on. The Hon. Emma Hurst has given notice of a private member's bill about Racing NSW but is yet to receive the documents. We need to assert the powers of the Parliament and we should be united in that. Every single political interest here has said that in the past and it would be bunkum for anyone to deny it right now.

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (17:07):** I indicate at the outset that the Government will be opposing the call for papers. The Hon. Mark Latham put a range of issues on the procedural side of things—and I will come to the Government's view on that—but that is not the cause of the issues. Many of the observations that the Hon. Mark Latham made are already on the record.

I will provide the Cabinet Office advice specifically. However, on the substantive issues the Government takes a cautious view. It is not persuaded. Part of that has come out of the Government's review about the rolling Rosehill inquiry—a gotcha inquiry that started in one place and has ranged freely since. Members have taken an interest, rightly, in horse welfare and in the operations of Racing NSW. They have used the "and any other relevant matter" clause of that inquiry established by the Opposition to range freely. Our dispute is with the Opposition's strategy on this matter, as the inquiry set off in one direction but is now headed in a number of others. On the question of process, the Cabinet Office states:

- Racing NSW is a statutory body corporate established by section 4 of the *Thoroughbred Racing Act 1996*.
- The question whether a statutory body is required to respond to an order for papers of the House will depend on the terms of its relevant constituting statute.
- As outlined in section 5 of the Act, "Racing NSW does not represent the Crown and is not subject to direction or control by or on behalf of the Government".

That is the point the Hon. Mark Latham has made. The advice goes on:

- Where an order for papers names an agency that is **not** subject to Ministerial direction or control, the usual practice of the Executive is to advise the Clerk to liaise directly with the agency in relation to the order for papers and its response.
- Accordingly, it is a matter for Racing NSW to respond to as appropriate.

The Government is providing that advice to the House. I have confirmed it is consistent with the practices of previous governments. It is certainly consistent with the advice I gave previously when the matters quoted by the member were raised. The Government has also sought the views of the Clerks. The member consulted carefully with the Clerks in the drafting of his motion and it reflects their views. These are matters for the House. This is not a dispute about the powers of the House. The issue that the Government objects to is the wisdom of this call for papers. We will not support this motion, but we do not dispute the fact that members are entitled to seek orders such as the one before the House.

**The Hon. DAMIEN TUDEHOPE (17:10):** The Opposition supports the motion. It is extraordinary that the Government would seek to relitigate an order for the production of papers under Standing Order 52 which has already been passed by the House. Effectively, the position of the Hon. John Graham is that this is an opportunity to relitigate the wisdom of a motion passed by the House. He wants to use that opportunity to thwart the powers of the House to call for papers.

The Hon. Mark Latham, who moved the motion, has rightfully referred to advice previously obtained by the House about whether bodies like Racing NSW or Greyhound Racing NSW can be subject to a call for papers under Standing Order 52. The advice relied on by the member, which I think is well founded, is that this House is

the master of its own destiny, and the Government should not seek to stand in the way of the proper exercise of its powers. To use an organisation's denial of the entitlement of the House to call for papers as an excuse to relitigate a previous order of the House and say it should not have passed the order in the first place is disrespectful to the previous order made by the House for the production of these papers. The Government has taken an astonishing position by saying it acknowledges that the House has passed it previously, but because the organisation has sought to make some assertion that it is not bound—

**The Hon. Penny Sharpe:** Come on, Damien. We remember what you used to say too.

**The Hon. DAMIEN TUDEHOPE:** I understand that when I was in government, I probably used to make similar statements. But guess what? When those opposite were in opposition, they were all for asserting the powers of the House. They accuse me of taking a different position previously, and I am prepared to stand here and say that I was wrong. I urge the Minister to reassert the position he held when he was in opposition.

**Ms CATE FAEHRMANN (17:13):** The Greens support the motion. We try to support and have supported previous calls for papers on this issue. I spoke to a previous motion about the concerns around Racing NSW, which grow every time the Rosehill racecourse inquiry hears evidence from witnesses or receives correspondence. We are as keen as the Hon. Mark Latham to see what papers are produced, especially given some of the statements around the particular matters covered by the motion. It is very important that we have this evidence and any documents or transcripts. If they exist, they need to be released.

**The Hon. EMMA HURST (17:14):** The Animal Justice Party supports the motion. This topic has been brought up a couple of times today already. It is an unusual circumstance when you see the Animal Justice Party and The Greens agreeing with the Hon. Mark Latham on something. It highlights that something really needs to be looked at. I repeat the words of Ms Cate Faehrmann, who said that the concerns are increasing. I would also like to see what is contained within the papers covered by this motion moved under Standing Order 52. I plan to place a further motion on the *Notice Paper* tomorrow because there are a lot of questions here and not many answers coming through.

**The Hon. MARK LATHAM (17:15):** In reply: I thank each of the contributors to the debate. One thing is crystal clear: only the crossbench comes to this debate with clean hands. Only the crossbench is pure! The Opposition, formerly in government, admits it was wrong. I will not embarrass the Hon. John Graham too much about what he has said in the past or recall Labor's use of Standing Order 52 motions when it was in opposition. I simply point out that the Hon. John Graham's proposition that the powers of the House should be restricted in this instance because the Government does not like the tactics of the Opposition on Rosehill is a complete absurdity. If Government members have a problem with the tactics on Rosehill, I think they need to buy a mirror and look into it. Whether they like it or not, the Government got involved with the Australian Turf Club and Peter McGauran, whose handling of the proposed sale of Rosehill has at every single stage been either farcical, unethical or possibly even illegal under the Corporations Act. The Government did this to itself.

**The Hon. Penny Sharpe:** Point of order: We started to get into this issue in a previous debate. This motion concerns a call for papers under Standing Order 52. The Hon. Mark Latham is going to get his way. But it is not an opportunity for him to make imputations against others, suggest improper motives or otherwise move outside the specifics of the motion. The member could move a substantive motion if he wanted to, but he is not doing that. It is not an opportunity for him to use parliamentary privilege to basically say whatever he thinks.

**The PRESIDENT:** I note that the Hon. Mark Latham has a range of fora available to make those sorts of comments, but a speech in reply to debate on a motion is not one of them.

**The Hon. MARK LATHAM:** I make the general point that the Government's wounds from Rosehill are entirely self-inflicted. It should not be punishing this House because of those mistakes and its problems with the tactics of the Opposition. All the Rosehill inquiry has done is bring forward useful, interesting information about the processes concerning that project, and on related matters concerning Racing NSW. The powers of the House stand. If Racing NSW wants to reject this motion a second time, it is clear in the text of the motion that, on advice from the Clerk and supported by legal opinion, the appropriate action will be to bring its officials to the Bar of the House and ask them why a body created by the Parliament now feels it is not accountable in any shape or form to the Parliament.

Racing NSW does not want to appear at budget estimates. It does not want to be subject to Standing Order 52 motions. It does not want to be subject to the Auditor-General. It does not want to be subject to ICAC. It does not want to be subject to ministerial control. It has bought off the media. What recourse is left to us? As ever, the last refuge of accountability is the New South Wales Legislative Council. It is a proud moment for those members voting in support of this motion to assert that and rely on it. It is also a moment of sadness that the Government, whose members previously asserted that position, have now decided to vote the other way. It is a

ludicrous proposition. Somehow it is the fault of the Opposition's Standing Order 52 tactics, which current Government members used at every opportunity back in the day. The motion must be supported.

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

**The House divided.**

Ayes .....22  
 Noes .....13  
 Majority.....9

**AYES**

Barrett	Farraway (teller)	Merton
Boyd	Higginson	Mihailuk
Buckingham	Hurst	Mitchell
Carter	Latham	Munro
Cohn	MacDonald	Roberts
Faehrmann	Maclaren-Jones	Ruddick
Fang (teller)	Martin	Tudehope
Farlow		

**NOES**

Buttigieg	Kaine	Nanva (teller)
D'Adam	Lawrence	Primrose
Graham	Mookhey	Sharpe
Houssos	Murphy (teller)	Suvaal
Jackson		

**PAIRS**

Rath	Moriarty
Ward	Donnelly

**Motion agreed to.**

*Bills*

**POLICE AMENDMENT (POLICE OFFICER SUPPORT SCHEME) BILL 2024**

**First Reading**

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

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

**Statement of public interest tabled.**

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

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

**Motion agreed to.**

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

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

**Motion agreed to.**

*Motions*

**ARTSAKH CONFLICT**

**The Hon. SUSAN CARTER (17:28):** I move:

- (1) That this House notes that on 19 September 2023, following a 10-month blockade, Azerbaijan closed the Lachin corridor in defiance of the orders of the International Court of Justice, and conducted an unprovoked 24-hour military assault against Artsakh (Nagorno-Karabakh).
- (2) That this House unequivocally condemns the lightning military assault which resulted in the forcible displacement of an estimated 100,000 indigenous Armenians from their ancestral homeland.
- (3) That this House calls on Azerbaijan to abide by the International Court of Justice's provisional measures handed down on 17 November 2023, calling for the right of return for Armenians displaced from Artsakh under enforceable international guarantees of their security and rights.
- (4) That this House further notes the ongoing tension in the region and calls on Azerbaijan to withdraw from the internationally recognised borders of the Republic of Armenia.
- (5) That this House calls on Azerbaijan to release all Armenian political prisoners.
- (6) That this House further calls on Azerbaijan to cease the deliberate destruction of the Christian and cultural heritage of Artsakh and take steps to ensure the protection of all ancient cultural and historical sites.
- (7) That this House notes with sadness that this conflict has now continued for a year and has contributed to the suffering of countless people in the region.

It is easy to be overwhelmed at the moment. It seems as if every screen and front page is yelling stories of conflict and human tragedy. Especially in Australia, there can be an enormous temptation to think, "Over there, don't care," or perhaps, more accurately, to feel so powerless and overwhelmed by what we see that we are scared to start caring because we are not sure how that could possibly end. It is an understandable response but one we should resist because looking away from human tragedy and from the dispossession of a people will not end the suffering. If anything, it will make the suffering of those abandoned by us even harder to bear.

Just over a year ago, I stood in a tiny border town in Armenia—Goris—that had a population of less than 20,000 people. I was welcoming 100,000 ethnic Armenians fleeing from the conflict in Artsakh, in Nagorno-Karabakh. "Welcoming" is perhaps the wrong word, but what else do you do when people are arriving in crowded hatchbacks, with washing machines, carpets and children's toys strapped to the roof with sticky tape? The children who arrive are, because of the blockade, almost all sick and very hungry. The women—and it is almost all women and children—have fear in their eyes when they talk about how they needed to do anything they could to escape the invading Azerbaijan soldiers.

Social media can be a great source of connection, but when it is used to spread videos of torture and rape it has completely the opposite effect. Of course, because of the blockade, there was very little petrol, so anyone who could was putting metho or ethanol into their tanks to get them and their families towards the border, praying they would cross before they broke down. There were even caravans of cars tied together with rope when one car had enough fuel of any type just to get them across the border to what they hoped would be safety.

That was a year ago. And a year ago this House passed a motion recognising this humanitarian crisis, recognising the torture and mistreatment of ethnic Armenians in Artsakh, and calling for world recognition and an urgent humanitarian response. What has happened since? There are still Armenian prisoners held in Azerbaijani jails because their crime was to work for a democratic government in a land that was ethnically Armenian or because they tried to protect from needless destruction the symbols, artefacts and heritage of the oldest Christian country in the world. There are still 100,000 displaced citizens of Artsakh living in Armenia, with their carpets and their pots and pans and the little bit they were able to grab as they left, hoping to return to their real home and be reunited with those husbands and fathers who they pray are still alive.

The closing of the Lachin corridor and invasion of Artsakh did not stop the military tension. It continues, with the internationally recognised borders of the Republic of Armenia—a rare democracy in the region—now under threat. The military cemetery, high on the hill over Yerevan, continues to grow with the bodies of those too young to die. The International Court of Justice has called for the right of return for displaced Armenians, protected with enforceable international guarantees. Those calls have been ignored. The \$500,000 in humanitarian aid given by Australia has been exhausted and the demand to care for the refugees continues. A year on, the conflict continues, as does the suffering. The very least we in this place can do is not to turn away from this suffering but to stand in solidarity with the dispossessed and say that we see them, we acknowledge them, we remember them and, like them, we pray that they see their homeland again. I believe we should take that act of solidarity together as a House, so I encourage all members to support the motion.

**The Hon. MARK BUTTIGIEG (17:33):** I lead for the Government, which will support the motion with some amendments. I start by expressing the New South Wales Government's condemnation of the unconscionable attack by Azerbaijan on Nagorno-Karabakh in 2023. We condemn the humanitarian emergency that military action created by forcing almost all Armenians living there out of their homes. We share the distress of our local Armenian community at the suffering of the more than 100,000 people who fled to Armenia. The Government

supports the motion but will move amendments to add three additional paragraphs that are important for this House to have on record whilst members debate the issue. I move:

That the question be amended by inserting after paragraph (7):

- (8) That this House welcomes Australia's support for the Joint Statement on the Situation in Nagorno-Karabakh at the fifty-fourth session of the Human Rights Council on 11 October 2023, along with 32 other countries.
- (9) That this House supports the \$500,000 provided by the Australian Government to alleviate the suffering of Nagorno-Karabakh Armenians who have fled the region.
- (10) That this House calls on Azerbaijan to guarantee the rights and security of the inhabitants of Nagorno-Karabakh, including those who may wish to return from Armenia.

The first paragraph of our amendment recognises that the Albanese Government was one of 33 governments around the world who supported the Joint Statement on the Situation in Nagorno-Karabakh. The statement calls on Azerbaijan to ensure the rights and security of the Nagorno-Karabakh Armenians and, importantly, demands that the cultural and religious heritage of the region be protected. The second paragraph acknowledges the Australian Government's half-million-dollar contribution that will be delivered by the United Nations High Commissioner for Refugees to help provide shelter and supplies to refugees and host communities. I note from the contribution of the Hon. Susan Carter that that has already been exhausted. That aid has received bipartisan support from the Federal Opposition.

Our third paragraph shows our support for the Australian Government in its efforts to protect the rights of those who remained after the invasion. We need to add our voices to calls to create the conditions for the voluntary, safe, dignified and sustainable return of those who wish to go home. I thank the Armenian National Committee of Australia for advocating to me last week, and to many other members, on this issue. I thank the Hon. Susan Carter for bringing this important motion to the House.

**Ms CATE FAEHRMANN (17:36):** As The Greens spokesperson for multiculturalism, I support the motion of the Hon. Susan Carter. The Greens have long been supporters in this place of the position of the Armenian National Committee of Australia. We have long recognised Armenian genocide. It has gone on for a long time and it is getting a lot worse. In fact, tension and conflict have been rife since the beginning of Artsakh in 1923, and 100 years later the conflict is just as bad. The motion mentions that on 19 September 2023 Azerbaijan launched an offensive in Artsakh. Within two days Azerbaijan claimed full control of the region, and a 10-month blockade followed. The deliberate destruction and control of Artsakh has resulted in the displacement of an estimated 100,000 Armenians.

In this place back in 2011, Mr David Shoebridge recognised the Armenian genocide in an adjournment speech. I also recall, in early days, my late colleague Dr John Kaye doing the same. We have worked closely with the Armenian National Committee of Australia in both this Parliament and the Federal Parliament in acknowledging the Armenian genocide. We support the right to self-determination of all peoples including those of the republic of the Nagorno-Karabakh. I thank the Hon. Susan Carter for bringing the motion. It is good to discuss it, put it on record and get multi-party support for this important issue.

**The Hon. JACQUI MUNRO (17:38):** I commend the Hon. Susan Carter for bringing the motion to the House so we can acknowledge and pay respect to our Armenian friends and the Armenian community in New South Wales, which does so much for others. We must recognise the ways that we can do as much as possible for them. The New South Wales Parliament was one of the first in the world to recognise in 1997 the Armenian genocide. It was a bipartisan—or multipartisan—approach to this really important issue. It is now 100 years since the Armenian genocide of 1915, yet it is still so crucial to ensure that this issue is not forgotten. We should not just move motions relating to current events again and again, yet here we are doing exactly that. It must be recognised.

It is a terrible irony that the Nagorno-Karabakh region was set up as an autonomous region by the Soviet Union, yet now international relations are shifting, as they always do. Now the Armenians in that region are facing terrible persecution by the Azerbaijani regime, which has its backers surrounding Armenia in that part of the world. We in New South Wales have an important role to play in supporting the Armenian community. I also note that the City of Ryde has been an important donator of money and supplies to the Artsakh region and the people who are living there or who are fleeing because they have been forced from that area.

We are in the peculiar situation at the moment where the United Nations Framework Convention on Climate Change is holding the 29th Conference of the Parties [COP29] in Azerbaijan, but at the same time independent human rights experts appointed by the United Nations are calling on Azerbaijan to guarantee the rights of ethnic Armenians in the Karabakh region and to ensure that civilians who remain are respected and protected in line with its international obligations. There is a real tension within international organisations and their different branches about how we approach this region. In my view, it is unfortunate and disappointing that

COP29 is being held in Azerbaijan this year. It sends the wrong message to the people of Artsakh, who should be respected and treated as though they are native indigenous inhabitants to the region, which they are. They deserve a home in that area.

**The Hon. SUSAN CARTER (17:41):** In reply: I am encouraged that every member of this House is prepared to support the motion. I acknowledge the amendments moved by the Government. In the spirit of bipartisanship, I am happy to accept them. My only wish is that perhaps this could have been dealt with earlier and that no objection had been taken by the Government to this motion so that this debate, although useful, would not have been necessary. We all would have been together supporting this motion and the really critically important right of self-determination of the Armenian people as well as supporting their right to be protected from the aggression they have experienced.

As my colleague the Hon. Jacqui Munro has pointed out, that aggression has been experienced not just in the past year but, sadly, since at least 1915, if not many years before that. I thank Ms Cate Faehrmann, the Hon. Mark Buttigieg and the Hon. Jacqui Munro for their contributions to debate, and I thank the House for its display of unity on this very important message. It is important not just to people in Artsakh but also to all of the families who have made their home in Australia and who need to know that we support them and their families. We welcome them into this country, even though we know that many of them mourn because they cannot safely live in the country of their birth.

**The DEPUTY PRESIDENT (The Hon. Emma Hurst):** The Hon. Susan Carter has moved a motion, to which the Hon. Mark Buttigieg has moved an amendment. The question is that the amendment be agreed to.

**Amendment agreed to.**

**The DEPUTY PRESIDENT (The Hon. Emma Hurst):** The question now is that the motion as amended be agreed to.

**Motion as amended agreed to.**

#### *Documents*

### **ALBURY HEALTH SERVICES**

#### **Production of Documents: Order**

**Dr AMANDA COHN (17:44):** I seek leave to amend private members business item No. 1346 by omitting in paragraph (a) "in Albury Health" and inserting instead "at Albury Hospital".

**Leave granted.**

**Dr AMANDA COHN:** Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Minister for Health, Minister for Regional Health, and Minister for the Illawarra and the South Coast, the Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast, the Ministry of Health or Health Infrastructure relating to health care in Albury:

- (a) the business case on the infrastructure construction proposed for the brownfield site at Albury Hospital, completed before 26 August 2024;
- (b) Nolan House Risk Monitoring Nurse Observation and Engagement Tool (Part A);
- (c) Nolan House Mental Health Service [MHS] Risk Management Inpatient Care Procedure;
- (d) Nolan House Recognising and Responding to Mental State Deteriorating Procedure;
- (e) Nolan House MHS Safety (Risk) Assessment and Safety Planning;
- (f) all documents relating to Albury Wodonga Health mental health service policy reviews recommended by coronial inquest file No. 2021/00122654; and
- (g) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

On 30 April 2021, Roger Schnelle died by suicide at Nolan House, the mental health inpatient unit at Albury Hospital. The coronial inquest into his death reported its findings in May this year and included a number of important recommendations to improve medical record keeping, staff induction processes, and to address compatibility issues between the New South Wales and Victorian health policies. Roger's family and our broader regional community deserve transparent and accountable information of what has been done to address this and to implement those recommendations. The inquiry again shone a light on the unique complexity of our cross-border context, but that can never be an excuse for my community not to receive adequate health care.

I acknowledge that the Government has engaged constructively with my request for proactive release of the documents relating to the coronial inquest. The response I received was caught up in the complexity of cross-border arrangements and the possibility that these documents may not have been created by the New South Wales Government; they may be Victorian. Despite the complexity of the memorandum of understanding and the intergovernmental agreement, if the New South Wales Government does not have access to these really very basic policy documents that govern an inpatient unit here in New South Wales at a New South Wales hospital, that is an ongoing failure of oversight of a hospital here in this State. It is really important not just to provide Roger's family and the community with this information, but to ascertain whether NSW Health has access to these documents. It is a separate critical issue if NSW Health does not.

Finally, the motion also includes seeking a business case related to the currently planned \$558 million redevelopment of the Albury Hospital. That information has been very reasonably sought by Wodonga Council, which wants to ensure that such a significant amount of taxpayers' money is being spent most effectively to improve the health of people in our region.

**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) (17:47):** On behalf of the Government I indicate that we support the motion. As Dr Amanda Cohn indicated in her comments, the Government recognises the importance of the issue she has raised. The Government wants to make sure that both the individuals involved in the specific incident that she mentioned and the people in her community more broadly and in cross-border communities have a level of assurance about the care that is provided. The Government is very keen to try to meet those needs. It is somewhat complicated by the cross-border management of this health area. It is the case that some of the documents mentioned in the Standing Order 52 motion are not documents of NSW Health. It may be that NSW Health has access to those documents and we will use this Standing Order 52 process to try to work through what information is accessible and provide that.

That is why the Government supports the motion and is keen to use this process to explore that. This may end up being another one of those interesting challenges to the powers of this House in that there may well be documents that the Government is able to access but that are not documents of NSW Health. That then raises questions about the extent of the powers of this House. But we will cross that bridge when we come to it. I flag that the Government is keen to work with Dr Amanda Cohn, but we have run into a couple of issues in relation to the management of these facilities in the cross-border health precinct. However, we are supportive of the Standing Order 52 application as an effort to lean into bringing the documents to this House that members wish to see.

**The Hon. NATASHA MACLAREN-JONES (17:48):** First of all, I extend my sympathy to the family of Roger Schnelle and the Albury community. I indicate that the Opposition supports the Standing Order 52 motion. Without going into the details of the Coroner's report, as indicated, a number of recommendations were made. All the documents being sought are also in that report. I also note the Minister's comments about facing the challenges of cross-border issues. It will be an interesting exercise in working out how much information members can obtain and what avenues exist to seek further information about other matters in the future. We support the motion.

**Dr AMANDA COHN (17:49):** In reply: On behalf of Roger's family and the Albury community, I thank both the Minister and the Hon. Natasha Maclaren-Jones for their comments and support.

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

**Motion agreed to.**

#### *Committees*

### **SELECT COMMITTEE ON PFAS CONTAMINATION IN WATERWAYS AND DRINKING WATER SUPPLIES THROUGHOUT NEW SOUTH WALES**

#### **Establishment, Membership, Chair and Deputy Chair**

**Ms CATE FAEHRMANN (17:50):** I seek leave to amend private members' business item No. 1387 by:

- (1) Omitting paragraphs (1) (h) and (1) (i) and inserting instead:
  - (h) the structure, capacity, capability and resourcing of New South Wales government agencies and water utilities to detect, monitor, report on, respond to and mitigate against PFAS contamination of water supplies, including the adequacy of infrastructure and resources;
  - (i) the adequacy and effectiveness of New South Wales's legislative and regulatory framework in testing for, monitoring, mitigating and responding to PFAS contamination, including the adequacy of health-based guidance values, as compared to the standards and practices of other Australian and international jurisdictions;

- (j) public sector resourcing and coordination amongst relevant agencies in preventing, controlling and managing the risks of PFAS to human health and the environment;
- (2) Inserting after paragraph (1) (l) the following new paragraph:
  - (m) the impact of taking contaminated water sources offline on water security, including the effects of diverting water between communities; the social, economic and logistical implications of such diversions, and the challenges posed by PFAS contamination to water availability, drought management and emergency supply planning; and

**Leave granted.**

**Ms CATE FAEHRMANN:** Accordingly, I move:

- (1) That a select committee be established to inquire into and report on PFAS (per and polyfluoroalkyl substances) contamination in waterways and drinking water supplies throughout New South Wales, and in particular:
  - (a) the adequacy and extent of monitoring and data collection on PFAS levels in waterways and drinking water sources;
  - (b) the adequacy of the reporting and disclosure requirements to the public of monitoring and findings on PFAS contamination of water;
  - (c) the identification of communities at risk from PFAS contamination;
  - (d) the adequacy and effectiveness of government engagement with and support for communities disproportionately affected by PFAS contamination, including First Nations communities;
  - (e) sources of exposure to PFAS, including through historic and current fire fighting practices;
  - (f) the health, environmental, social, cultural and economic impacts of PFAS;
  - (g) the impacts, monitoring and mitigation of contamination on livestock, domestic animals and wildlife, including water birds, fish and other aquatic life;
  - (h) the structure, capacity, capability and resourcing of New South Wales government agencies and water utilities to detect, monitor, report on, respond to and mitigate against PFAS contamination of water supplies, including the adequacy of infrastructure and resources;
  - (i) the adequacy and effectiveness of New South Wales's legislative and regulatory framework in testing for, monitoring, mitigating and responding to PFAS contamination, including the adequacy of health-based guidance values, as compared to the standards and practices of other Australian and international jurisdictions;
  - (j) public sector resourcing and coordination amongst relevant agencies in preventing, controlling and managing the risks of PFAS to human health and the environment;
  - (k) international best practices for water treatment and filtration, and the environmentally sound management and safe disposal of PFAS;
  - (l) the effectiveness of remediation works on specific sites and international best practices for remediation and management of contaminated sites;
  - (m) areas for reform, including legislative, regulatory, public health and other policy measures to prevent, control and manage the risks of PFAS in water supplies;
  - (n) the impact of taking contaminated water sources offline on water security, including the effects of diverting water between communities; the social, economic and logistical implications of such diversions, and the challenges posed by PFAS contamination to water availability, drought management and emergency supply planning; and
  - (o) any other related matters.
- (2) That, notwithstanding anything to the contrary in the standing orders, the committee consist of seven members comprising:
  - (a) three Government members;
  - (b) two Opposition members; and
  - (c) two crossbench members, being Ms Cate Faehrmann and the Hon. Taylor Martin.
- (3) That the Chair of the committee be Ms Cate Faehrmann and the Deputy Chair be the Hon. Taylor Martin.
- (4) That, unless the committee decides otherwise:
  - (a) all inquiries are to be advertised via social media, stakeholder emails and a media release distributed to all media outlets in New South Wales;
  - (b) submissions to inquiries are to be published, subject to the committee clerk checking for confidentiality and adverse mention, and where those issues arise, bringing them to the attention of the committee for consideration;
  - (c) attachments to submissions are to remain confidential;
  - (d) the chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the chair to convene a meeting to resolve any disagreement;
  - (e) the sequence of questions to be asked at hearings alternate between Opposition, crossbench and Government members, in that order, with equal time allocated to each;

- (f) transcripts of evidence taken at public hearings are to be published;
  - (g) supplementary questions are to be lodged with the committee clerk within two business days following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness;
  - (h) answers to questions on notice and supplementary questions are to be published, subject to the committee clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration; and
  - (i) media statements on behalf of the committee are to be made only by the chair.
- (5) That the committee report by 20 June 2025.

I acknowledge from the outset that the Opposition moved a motion to establish a special commission of inquiry into the issue earlier today. Although it was not ultimately supported, that motion indicates the level of concern from all sides of politics and many people in the community. The potential of PFAS contamination in our waterways and in some of our drinking water supplies has made national headlines. I also note from the outset that I have had good conversations with both the Opposition and the Minister in relation to the potential for the select committee. The terms of reference are extensive, and I have also just moved an extensive amendment, which goes to show how complex the issue is.

If the committee is established, it will certainly have its work cut out for it. I believe the reporting date will be 20 June next year. I am very aware of the demands on the secretariat of committees in this place, and of the diaries of all members in terms of their existing committee commitments. I think most of the work of the committee will take place in the new year. At that point, after the committee has received the evidence and hopefully very comprehensive submissions, I hope it will also be able to undertake site visits to look further into the issue.

I note that there is also a Senate inquiry into PFAS, which will report later. I believe that a select committee established by this House can meet and work with affected communities, experts, regulatory agencies and the whistleblowers who raised the alarm about PFAS in New South Wales. I believe it will be able to do so at a potentially closer, more detailed and more thorough level than the Senate inquiry, which will look at what is happening in jurisdictions across the country and internationally.

I put on record my sincere gratitude for the work of Professor Ian Wright, the Western Sydney University water scientist who devoted a good part of his working life and also his volunteer time on the weekends to go to communities across the State and test their water when they have raised the alarm about what it contains. He found the extremely concerning levels in the Belubula River. I note certain comments in debate in this place and in budget estimates about the high levels of PFAS in foam in the river.

**The Hon. Jeremy Buckingham:** And Coxs river.

**Ms CATE FAHRMANN:** I acknowledge that interjection. PFAS is also in the water there. I am really looking forward to what I hope is the establishment of the committee. I am very much looking forward to this place providing an avenue for the communities who have contacted me with a lot of concerns, even before reports came out in *The Sydney Morning Herald*. I put the work of Ben Cubby and particularly Carrie Fellner on record; they have been shining a light on the matter over many years. I am really looking forward to the committee being the voice and avenue for community concern about PFAS until June. I commend the motion to the House.

**The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (17:57):** I thank Ms Cate Faehrmann for moving the motion. As I have indicated, the Government is supportive of the establishment of the parliamentary inquiry. We think it is terribly unfortunate that those man-made chemicals are present. We have established the expert panel on PFAS, one which is run by the Environment Protection Authority, which has indicated that there is PFAS contamination in our soils in our environment. As I said, PFAS is used in a number of common everyday products, and trace elements have been detected in water. To the extent that members are keen to explore that, we welcome the opportunity to be part of the process.

I again indicate that Australia has very clear drinking water guidelines. Those guidelines are set by health experts, as they should be, because it is appropriate for people with health expertise to make decisions about what levels are safe for the human body to ingest. There has never been a test done in New South Wales that has suggested that our drinking water is outside of those guidelines when it comes to PFAS—never. Not one test of drinking water has indicated that there are PFAS levels outside those guidelines. Some tests have indicated trace levels of PFAS below those guidelines. There has also been some raw water testing. Indeed, as the member has noted, some testing of foam or other elements in raw water sources have indicated PFAS above levels recommended in those guidelines. That is why we need to understand the extent of this challenge.

It is worth emphasising to people that they can have absolute confidence in drinking the pure, natural, fresh and healthy drinking water that we have in Sydney. Members on this side would rightfully take any opportunity to make sure that we have best practice when it comes to water quality in Sydney. This inquiry is an opportunity to do that: to make sure that we are reflecting on international standards, on best practice health guidelines, and on best practice monitoring and reporting guidelines. We welcome this inquiry because we want to make sure that we are leaning into every opportunity to have best practice. Underlying that, we reiterate the point that our drinking water is safe, clean and healthy. People should hydrate themselves using Sydney tap water every day of the week, because the Government makes sure that it explores every opportunity—such as the one presented by this parliamentary inquiry—to make the provision of that water even better and even safer.

**The Hon. SARAH MITCHELL (18:00):** On behalf of the Opposition I indicate that it supports the motion. I acknowledge Ms Cate Faehrmann and the amendment to the motion that came after feedback and consultation with Ms Steph Cooke, the shadow Minister for Water, who is also very invested in these issues and keen to see more work done to address the concerns around per- and polyfluoroalkyl substances. I made quite a lengthy contribution earlier this morning in relation to the Opposition's motion to call for a special commission of inquiry. That remains the Opposition's preference.

However, we on this side understand that there is support for the parliamentary inquiry, so of course we support the setting up of the committee. The work that is undertaken will be very important. We need to make sure that there is community assurance that drinking water is safe but also that we know how the Government will manage these issues. There are concerning data sources and sets coming through in relation to drinking water. We need to make sure that we are transparent with the community. We would have preferred the special commission of inquiry, but we are happy to support this motion as the alternative that the House will agree to.

**The Hon. TAYLOR MARTIN (18:01):** I, too, thank Ms Cate Faehrmann for moving this inquiry to take place. I thank all members for their support for the inquiry and for my election as deputy chair from the commencement. The issue of per- and polyfluoroalkyl substances [PFAS] is not new to me. It was one of the very first issues that came across my desk when I was elected to this place, particularly in the previous term of Parliament as the Parliamentary Secretary for the Hunter, because Williamstown RAAF base and the area surrounding it has dealt with this issue for a long time. It has hit the local community hard.

At the time, the Department of Defence launched an investigation. It allowed for locals to connect to town water when they otherwise were not, and paid for the water bills and connections. At the time, there was a lot of blood work done that was covered by the Department of Defence, I believe, from memory. It is a traumatic issue for that community and for others around our State and the country. The revelation that there is PFAS in water filtration plants throughout the Blue Mountains is extremely concerning. I hope we can get some answers—and get them soon—to allay concerns, because there is a lot of misinformation about PFAS in the community. I thank all members for their support of the inquiry.

**Ms CATE FAEHRMANN (18:03):** In reply: I again put on the record the support of all members for this motion and the good relationships so far on this issue, across the party divide. I hope that is the way in which the committee will work and that it will be able to come up with some good consensus recommendations. I acknowledge the contribution by the Hon. Taylor Martin that there is confusing information out there. Of course it is right for scientists to release the information about what they discover in waterways. I again acknowledge the work of Professor Ian Wright.

It is the job of this place to make sure that the science is analysed, considered, interpreted and truthfully expressed to the public as to what that means. The most up-to-date information that the public has is from the testing that has just been undertaken. I acknowledge the contribution of the Minister in terms of the drinking water guidelines, which we know are out of date. The work of the committee will be to bring all the information together and, hopefully, to work together to make recommendations and deliver a report the community can have faith in as the most up-to-date and transparent information and advice on this very important issue.

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

**Motion agreed to.**

#### *Motions*

### **SYNTHETIC OPIOIDS AND NALOXONE**

**The Hon. JEREMY BUCKINGHAM (18:05):** I move:

- (1) That this House notes that:
  - (a) nitazenes, a powerful class of synthetic opioid, have emerged as a growing threat in New South Wales with recent overdose cases linked to the substance;

- (b) there is a broadening scope of at-risk communities due to the contamination of non-opioid substances, such as cocaine, MDMA and ketamine, with nitazenes; and
  - (c) there is heightened risk to individuals who are not typically engaged with opioid harm reduction services.
- (2) That this House commends the critical work of harm reduction organisations, including the NSW Users and AIDS Association [NUAA], Unharm and DanceWize in raising awareness, distributing naloxone and providing support to communities affected by the nitazenes crisis.
- (3) That this House calls on the Government to:
- (a) partner with peer-based harm reduction organisations to develop and implement targeted public health campaigns to promote safe usage practices, and educate the public on recognising overdoses and administering naloxone;
  - (b) expand the availability of naloxone, a life-saving drug that reverses opioid overdose, particularly in communities most affected by the opioid crisis; and
  - (c) establish drug-checking services at key locations across the State to identify the presence of nitazenes, preventing overdose and death.

Jetson Gordon was only 18 when a pill he bought to help him sleep took his life. Having recently moved from Mullumbimby to Melbourne, he was dealing with the stress and anxiety of a new place and newfound independence. He took just half a pill of what he thought was oxycodone that he had bought online. Jetson never woke up. The pill that Jetson took looked every bit the real thing, with the same colour and official stamp as a real oxycodone pill. But instead it contained nitazenes, a deadly synthetic opioid up to 1,000 times stronger than morphine. Jetson's parents asked me to share this with you all today. They said:

We need people to understand what has happened to our beautiful boy and how easily it can happen to other unsuspecting people. I don't want any other family to go through what we have had to go through. We've got to prevent it from ever happening again. We call on the NSW government to do the right thing and prevent more lives from being lost.

Let us not beat around the bush: New South Wales is facing a full-blown crisis. Nitazenes are deadly synthetic opioids that are tearing through our communities, and we are nowhere near prepared. We are talking about a class of drugs up to 1,000 times stronger than morphine showing up in everything from cocaine, MDMA, ice and even vapes. People are using these substances unknowingly. They think they are partying or having a good time, but they are being pushed into overdoses before they even know what has hit them. On 8 August I stood behind this Parliament with Unharm, DanceWize, Independent MP Alex Greenwich, and the Health Services Union. The message was painfully clear: We are not ready and lives are being lost. We have to stop pretending this is business as usual. It is not.

I thank Rob Stirling from the Network of Alcohol and other Drugs Agencies and the brilliant team at Uniting for the work they have done on the front lines. They have been pushing for real, life-saving changes. It is time the Government listened. Let us be honest: Nitazenes are not just another drug; they are a ticking time bomb. We have already seen four tragic deaths in Melbourne just last July. It is not just heroin users at risk here. Seasoned drug users are going down because there is no way to know what is in the drugs they are taking. One batch might be 50 times stronger than heroin, the next might be 500 times stronger. Without proper drug-checking services, it is a deadly gamble.

Let's talk facts. NSW Health has tested over 43,000 drugs and found nitazenes in just 28 samples, contaminating everything from ice, cocaine and MDMA to vapes. They are not isolated incidents; it is serious and getting worse. It is a widespread threat and we need to treat it that way. What do we do? We get practical. First, we expand access to naloxone. Naloxone saves lives and reverses opioid overdoses, but nitazenes are so potent that they require multiple doses. We need naloxone in every community, in every pharmacy and in every police officer's first-aid kit. We need it in the hands of all our first responders. If our first responders are not trained to administer naloxone, then what are we doing? It should be part of basic first-aid training.

Secondly, we need permanent drug-checking services—no more pilots or trials. We have seen what CanTEST is doing in Canberra and Queensland, and it works. But New South Wales has a limited trial at Kings Cross that is about to end, and that is not good enough. People need to know what they are taking, and those services save lives by giving them that chance. Finally, we need public education. Let us not kid ourselves—most people do not even know nitazenes exist, let alone how to spot an overdose. The Government needs to step up and educate the public on that threat. People need to know the signs—slow breathing, drowsiness and skin turning blue or grey—and they need to act fast. But we cannot stop there. We need to make naloxone more accessible across the country.

I am calling for a Commonwealth register of chemists that stock naloxone. It is not a nice-to-have; it is essential, and we need to encourage more pharmacies to get on board. We need naloxone in every suburb and every small town. No-one should be left without the tools to save a life. I will conclude with that. I am happy to support the Government's amendment, and I look forward to support for the motion, which is just about making sure that the community has the tools to save people's lives.

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (18:11):** I move:

That the question be amended by omitting paragraph (3) and inserting instead:

- (3) That the House commends the Government for partnering with peer-based harm reduction organisations to develop and implement targeted public health campaigns to promote safe usage practices and educate the public on recognising overdoses and administering naloxone.
- (4) That this House calls on the Government to consider, as a part of the drug summit in 2024, the establishment of drug-checking services at key locations across the State to identify the presence of nitazenes to prevent overdoses and death.

I lead on behalf of the Government in debate on the motion, and I thank the Hon. Jeremy Buckingham for his ongoing interest in harm minimisation. The Government is broadly supportive of the motion with the amendment, which the honourable member has indicated he will support. Our Government is committed to addressing alcohol and other drug-related harms and is concerned about the emergence of potent synthetic opioids such as nitazenes, which are potent opioids that can be stronger than fentanyl and hundreds of times more potent than heroin. The story that was shared by the Hon. Jeremy Buckingham is truly shocking.

Nitazenes were detected for the first time in New South Wales in 2021 and have continued to be present in a small number of samples. NSW Health operates a comprehensive drug surveillance and early warning system to identify, investigate and respond to incidents of severe drug toxicity. When a risk of significant toxicity is identified from the information available, the NSW Health Standing Panel on Toxicity Risk is convened to seek multidisciplinary specialist advice from experts in toxicology, emergency medicine, addiction medicine and public health, as well as community groups. Following a risk assessment, NSW Health issues information to the public via drug warnings and to clinicians via the NSW Health Safety Alert Broadcast System.

The Minister for Health is aware of the issue and is actively engaging with it. I also highlight the Government's commitment to a multi-day drug summit comprised of two days of regional forums in Griffith on Friday 1 November and Lismore on Monday 4 November, and two days of forums in Sydney on 4 and 5 December. The Government has appointed former Deputy Premier Carmel Tebbutt and former Leader of the Opposition John Brogden as co-chairs of the upcoming Drug Summit. The Government is delivering on that important election commitment, and I commend the amendment and the motion to the House.

**The Hon. SUSAN CARTER (18:14):** I commend the Hon. Jeremy Buckingham for bringing the issue to our attention. The growing threat of nitazenes within New South Wales is truly shocking, especially when we hear the stories that the honourable member has shared. Synthetic opioids are incredibly potent, with some analogues being up to 500 times stronger than heroin. That extreme potency significantly increases the risk of overdose and death, even at very low doses. The emergence of nitazenes has led to a rise in drug-related fatalities, with reports indicating an average of almost three deaths per week in the United Kingdom alone. We clearly need to take seriously the risk to life and public health. We need to look at education about the drug, its dangers and safe usage, but it is hard to see how it can be used safely at all. If it is so strong and carries with it such risks, then it is very hard to see how we can educate people to take a safe amount.

In moving the motion, the honourable member spoke about the importance of naloxone, a drug that can reverse opioid overdoses. That is not a safe use measure; it is a reactive measure that addresses the symptoms rather than the underlying issues. Certainly, naloxone distribution can save lives in the short term, but it will not prevent the use of those substances or reduce their availability on the street. Relying on education and on getting a dying person to a pharmacist or somewhere else that naloxone is available would be a tremendous burden to put on anybody who was dealing with somebody who had taken a drug overdose. It is important that we as a Parliament and as members of the community find an appropriate response to the issue that recognises that addictions of that sort prey on the most vulnerable. I commend the intentions of the motion and am happy to support the amendment that was moved by the Government, because I think it represents a good approach that will hopefully lead to a much safer society.

**Ms CATE FAEHRMANN (18:17):** I support the motion moved by the Hon. Jeremy Buckingham. The Greens have been raising the alarm about nitazenes for some time now. In some ways, it is a shame that the original motion is being amended in the way that the Government has suggested, because the whole point of a motion like this is to highlight the urgency of the situation, which is that people are dying from taking a tablet that they thought was oxycodone. I believe that was in Melbourne a couple of weeks ago.

The drug that people took that was the cause of their death this time was not nitazenes but heroin, although they thought they were taking cocaine. They died from one line of cocaine. This happened two or perhaps three weeks ago to a person from Glebe and a person from Newtown who both attended the same house party. There have been reports in *The Daily Telegraph* about the extent of drug use in this State. Despite the "Just Say No" campaign, the war on drugs, the heavy-handed policing and the zero-tolerance policies, it has been reported that

drugs are consumed in New South Wales in the quantity of two bags for every adult in the State over a year. The quantities of cocaine consumed—tonnes and tonnes—are extraordinary.

Nitazenes are a problem, as are synthetic opioids such as fentanyl. Heroin is being cut into cocaine and the problem is out of control. Yes, we can wait for the Drug Summit; that is what we have to do with this Government. The Government has said that it will consider drug checking. But when will the recommendations that come out of the Drug Summit be implemented? The summit is in December, and summer is ahead. We know that drug use is more pronounced over summer, and I am petrified of what this summer will bring us. Meanwhile, the Government will hold a summit and will wait several months at the very least before any recommendations are implemented. The Greens support the original motion moved by the Hon. Jeremy Buckingham. I wish I had more time to contribute to the debate, but my time is up.

**The Hon. EMILY SUVAAL (18:20):** I speak in support of the motion and the amendment moved by the Government. I thank my colleague the Hon. Jeremy Buckingham for bringing the motion before the House. This is an important and confronting issue. Nitazenes are a powerful synthetic opioid and an increasing concern for the community in New South Wales. I thank Emily Berry and John Gordon, the parents of Jetson Gordon, who the Hon. Jeremy Buckingham mentioned in his contribution. I have also met with Emily and John, who live in my duty electorate of Ballina. I thank them for sharing their story with me, as utterly traumatic as it must be for them. I acknowledge and thank them for their ongoing advocacy to raise awareness of this issue. It is a tragedy that no family should have to go through. As we heard, Jetson had just moved from Mullumbimby to Melbourne. He had started a new carpentry apprenticeship and was living with flatmates. He bought medication online, and just half a pill was enough to kill him. The impact on his family, the community and the poor flatmates who found him is devastating.

The Government has committed to reducing the potential harms of all drug use. We all look forward to the Drug Summit that is to be held later this year, and I look forward to the involvement of groups like Unharm in that summit. Access to naloxone is of critical importance: It can mean the difference between someone's life and death. We have heard about the lifesaving properties of the medication. The Government is committed to expanding access across the State. There are programs available, but we need to do more, and the issue is particularly acute in rural and regional communities. I commend the hard work of the NSW Users and AIDS Association and DanceWize. Along with Unharm, those organisations have been at the forefront of harm reduction in this State and have been critical in advocating on this issue.

**The Hon. TANIA MIHAILUK (18:23):** I also speak on the motion, and I will move an amendment. I understand where the Hon. Jeremy Buckingham is coming from, and I appreciate that he has legitimate and genuine concerns about the use of nitazenes, which are popping up in heroin, and other counterfeit tablets across New South Wales, particularly in the regions. All the evidence suggests that this drug is causing more harm than heroin and potentially a lot of other drugs. It is wreaking havoc across many regional communities. I support the Government's amendment. My concern is that establishing drug-checking services at key locations is really another term for pill testing. It is important for that to be considered at the Drug Summit before the Government takes a formal position. If the Government changes its mind on pill testing, it will need to bring legislation to this Parliament.

I move:

That the question be amended by inserting after paragraph (3):

- (4) That the Government continue to support of the NSW Police Force in its efforts to stop both the illegal production and importation of nitazenes and other illegal substances.

**The Hon. JACQUI MUNRO (18:25):** I contribute to debate on the motion and recognise that nitazenes are a growing problem. Federal statistics suggest that 20 per cent of Australians last year alone engaged in some sort of illicit substance use. That is huge. One in five people is about as many as those who identify as Catholic in Australia. If you know a Catholic person, as I am sure many of us do, it is likely that you also know someone who has taken an illicit substance in the past year. I support the Government's amendment. The motion notes that the way synthetic opioids and nitazenes are getting into the market for illicit substances is having an extremely harmful effect—a fatal effect—on people who do not typically use incredibly harmful substances like heroin. Nitazenes and synthetic opioids can be 500 times stronger than heroin in quantities that are much smaller than the original dose. A much smaller dose can be much more potent. It is getting into other substances that people would ordinarily feel more confident about taking recreationally.

As I said, one in five Australians have taken an illicit substance in the past year. The motion recognises that we are entering a new world. There is a new level of danger when it comes to substance use and the chemicals that are in those substances. Deaths have already happened in New South Wales. It is also a huge problem in the United Kingdom, where there is something like one death per day from nitazenes and synthetic opioids getting

into substances where they were not expected. If we are smart in New South Wales, we need to be proactive about managing this problem. It is very clear that it is coming to our shores.

There was a lot of merit in the Hon. Tania Mihailuk's contribution. As much as possible, we need to stop these substances coming onto our shores in the first place. However, we also need to deal with reality, and that means being very clear about what we are protecting New South Wales citizens against. Naloxone is already available for free in pharmacies, and I am aware that clubs and pubs in New South Wales are already stocking it. They are ready because they are concerned about what might happen on their premises if someone unwittingly takes a synthetic opioid or a nitazene. Those premises want to help stop a death to make the people in the area safer, and that is what we need to do in New South Wales.

**The Hon. STEPHEN LAWRENCE (18:28):** I speak in support of the motion and the Government's amendment. I read online that this particular class of synthetic opioid was developed some 60 years ago as an alternative to morphine. It was quickly realised that the substance was extremely dangerous, and it was never released for community use. Apparently, it had been largely forgotten, except in medical research fields, until it re-emerged as a street drug. It seems to be cutting a swathe through the community.

It is difficult to find figures online as to total overdose deaths. They may not be maintained in an accessible form. I read online that 23 people have died from overdoses in Victoria and South Australia alone since 2021. Those figures are obviously extremely confronting and are food for thought for members of this House in terms of harm minimisation and our general approach to the regulation of illicit drugs. Obviously, the Drug Summit is scheduled for December but, when one considers that our governmental resources are limited and that we put an array of those precious resources into the regulation of various illicit drugs, it behoves us, in the context of that scale of death, to carefully reconsider that calculation.

The Drug Summit is the perfect place to do that. It is the perfect place to take a step back and look squarely at governmental resources that are put into the regulation of things like cannabis, including the amount of police resources, the amount of court resources, what we do for other drugs, and health resourcing. We can then ask the following questions: Are these policies rational? Are we putting our precious governmental resources where we should be putting them? To hear of the scale of death of innocent people is confronting. On questions of human life and death, we always need to remind ourselves that we have a moral obligation to look carefully at policy questions and at resource allocation.

I commend the honourable member for bringing the motion to the House. It sends an important public health message about the dangers of nitazenes and the fact that a drug can masquerade as something else and people do not know what they are getting. But it is also an important contribution to the more general discussion about the regulation of illicit drugs as we move towards the Drug Summit.

**The Hon. TAYLOR MARTIN (18:32):** I commend One Nation member the Hon. Tania Mihailuk for her amendment. Police play an important role in what we are talking about tonight. Police have launched Strike Force Chatton. Furthermore, I understand that strike force will be looking into the recent deaths of Dunka Caldwell, or Humdinger, as he is widely known on TikTok, and Angela Yazgan, who, sadly, died last week. Their deaths were linked to a deadly batch of cocaine that is currently doing the rounds in Sydney. Last week I received a phone call from someone I know asking me if I knew how to get my hands on naloxone, which is like an EpiPen, for anyone who might have this bad batch affect them. I do not have any naloxone and I do not know how to get any, but the Hon. Jeremy Buckingham just told me how to get some.

While the police do a good job of tracking down drug traffickers, unfortunately, these contaminants are finding their way into all corners our of our State. There are many ways that the police help, but harm minimisation must be taken seriously going forward. I commend the Labor Government for hosting the Drug Summit later this year, and I look forward to it. I spoke recently about my concerns relating to what is coming for people in our State and for Australia. We are lucky to be an island continent, but contaminants are still finding their way into the drug supply, and it is having a deadly effect.

I commend the Hon. Jeremy Buckingham for his work on this motion, and I know it will not be the last that we hear of the issue. I would like to believe that it will be the last we hear of any deaths, but that is just not true. Deaths will continue. The more that we see these contaminants in the black market drug supply, the more deaths there will be. The NSW Police Force, the Federal Police and Border Force do their best, but making naloxone more available will go a long way. If someone has an overdose or a bad reaction, it works like an EpiPen. In the right hands of the right person at the right time, it can save lives. I think we should do everything we can to make that happen.

**The Hon. JEREMY BUCKINGHAM (18:34):** In reply: I thank all members who made thoughtful and considered contributions in support of the motion. I am quite happy to support the amendment of the Hon. Tania

Mihailuk. I note that we had a broad political representation of members contributing to debate on a matter that has long vexed the people of New South Wales. I think that bodes well for getting some outcomes as we head towards the Drug Summit, and I welcome that. I think there is a growing consensus in the community that reform in this area is long overdue, and the community will not punish politicians and governments that act.

I note the comments of the Hon. Taylor Martin. We are doing drug checking and testing in this State, but it is reactive. We are doing it after the fact. We should be proactive to make sure there are no more deaths. I was recently told of a serious overdose on the northern beaches by a young person who thought they were taking cocaine. The cocaine was tested and nitazenes were found. It was lucky that person was close to a hospital. We need to make sure that the education about nitazenes and naloxone is out in the community. We need to make sure that pubs, clubs and people conducting festivals know where they can get naloxone and stock it. We need to make sure it is in the hands of our police officers and that they are appropriately trained.

This is low-hanging fruit in terms of drug law reform. It is harm minimisation, and it is a meaningful change we can bring about with community and political support. It will save lives. I thank the Government. I especially thank Minister Houssos and Minister Park and his excellent staff for their considered work in this space as we head towards the Drug Summit, which I am very much looking forward to. I thank all members for their support of this important motion. It is an area we will return to in the not too distant future.

**The DEPUTY PRESIDENT (The Hon. Emma Hurst):** The Hon. Jeremy Buckingham has moved a motion, to which the Hon. Courtney Houssos and the Hon. Tania Mihailuk have moved amendments. The question is that the amendment of the Hon. Courtney Houssos be agreed to.

**Amendment of the Hon. Courtney Houssos agreed to.**

**The DEPUTY PRESIDENT (The Hon. Emma Hurst):** The question is that amendment of the Hon. Tania Mihailuk be agreed to.

**Amendment of the Hon. Tania Mihailuk agreed to.**

**The DEPUTY PRESIDENT (The Hon. Emma Hurst):** The question now is that the motion as amended be agreed to.

**Motion as amended agreed to.**

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

#### **COUNTRY WOMEN'S ASSOCIATION AND REGIONAL CRIME PREVENTION**

**The Hon. RACHEL MERTON (20:01):** I move:

- (1) That this House commends the Country Women's Association [CWA] of New South Wales for its tireless and invaluable work in supporting regional communities across the State.
- (2) That this House recognises the presence of CWA representatives in the New South Wales Parliament House yesterday, where they raised concerns about the rising levels of crime in regional communities.
- (3) That this House acknowledges the fear and anxiety expressed by the CWA regarding the rising level of youth crime in regional communities, particularly the impact on the safety and wellbeing of residents.
- (4) That this House calls on the Government to take urgent and effective measures to address the rising levels of crime in regional New South Wales, ensuring the safety and security of residents and communities.

In speak to the motion, I acknowledge my longstanding association with the Country Women's Association of NSW. For many years I have seen firsthand the tireless work of the CWA in advocating for the needs of both metropolitan and regional communities. Whether it is through fundraising or providing support during natural disasters, the CWA has always been at the heart of our communities, offering invaluable contributions to the social fabric of regional New South Wales. Recently, we welcomed members from the CWA to Parliament House, including New South Wales president Joy Beames from Dunedoo. We heard firsthand about their concerns, particularly those relating to regional youth crime. It is a serious issue that is creating fear and anxiety among residents, particularly seniors, and especially in rural and regional communities where the impact is often felt more intensely due to the close-knit nature of those communities. We heard firsthand about the security provisions and devices that senior Australians in regional towns are using to help address those concerns.

Over the past year we have seen a disturbing increase in reports of youth crime across regional New South Wales. The statistics speak for themselves. According to the latest reports, incidents of youth crime have spiked in places like Dubbo, Armidale and Tamworth. In Dubbo there are reports of a 10 per cent rise in youth-related offences, break-ins, vehicle theft and property damage. Those crimes are not just statistics or news reports; they

represent real harm to local businesses, families and individuals who rely on the sense of security and community in regional New South Wales.

What is more disturbing is the trend of young people not only engaging in criminal behaviour but also boasting about it on social media. Platforms such as TikTok and Instagram have become spaces where young offenders—some as young as 13 or 14—post videos in which they flaunt stolen cars, engage in dangerous driving and commit acts of vandalism. There are also reports of youths posting physical attacks on elderly residents. This is not just a challenge for law enforcement; it is a societal issue that reflects a worrying shift in youth culture, where crime is not only normalised but glamourised. One high-profile example from earlier this year involved a group of teenagers from Armidale who broke into multiple homes, stole vehicles and then posted videos online. Their videos, which were shared widely, showed them laughing and daring each other to commit even more serious offences. That sends a message to other young people that crime is a way to gain attention. It is abhorrent and unacceptable.

In another case from Dubbo a group of youths, many of whom were already known to the police, engaged in a spree of robberies targeting local small businesses. Those businesses are often the lifeblood of regional economies. They were left devastated. In many cases the financial damage was so severe that the owners were left questioning whether they could afford to continue operating. They are hurting the very communities the CWA works so hard to support. I highlight the work of the CWA in bringing these issues to our attention. As an organisation that represents the voice of regional and metropolitan women, many of whom are mothers and grandmothers, their concerns are deeply personal. They understand the impact youth crime is having on our communities. They feel the anxiety and fear that comes from not knowing whether their homes, businesses or loved ones will be the next target. They are calling on us, as their representatives, to act.

The motion calls for urgent and effective measures to address the growing problem. It is not enough to acknowledge there is an issue; we need tangible solutions that address both the root causes of the youth crime and its immediate impacts. That means providing better support for at-risk youth, involving education and employment opportunities in regional New South Wales, and ensuring that our law enforcement agencies have adequate resources to keep our communities safe. I commend the CWA for its loyal dedication to New South Wales. Its advocacy has brought this issue to our attention. It is now up to us as legislators to respond to their call for action. We cannot allow our communities to be held hostage by rising youth crime. We must act now to ensure that the safety and wellbeing of rural communities is protected.

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (20:06):** The Government does not oppose the motion. We support the Country Women's Association [CWA], which plays a central role in community life across regional New South Wales. Whether you are seeking social inclusion, a new friendship group or just the chance to swap recipes, your local CWA branch is the place to find what you need. The strength of the social fabric in regional communities that it has helped to craft over 100 years is testament to the strength that regional women have when we work together.

The Government notes the CWA's strong advocacy against things like regional and rural bank closures, for a better system to protect women in relation to domestic and family violence, and for better regional health care. They are great advocates on regional issues and for improving regional life. Regional crime is another area of advocacy where the CWA has raised concerns and stood up for their communities. We hear them and are already acting to stop youth crime in the regions.

I outline the measures that the Government has taken recently in regard to rural and regional crime. On 12 March 2024, the Government announced a \$26.2 million package of reforms and initiatives to support community safety and wellbeing, with a focus on strengthening early intervention and prevention programs for young people. That includes \$8.75 million for new bail accommodation in Moree and over \$13 million for a range of youth initiatives across the State to divert young people from crime. That package centred on the community of Moree, which was suffering a spike in crime, particularly by young offenders. We also updated bail laws to halt reoffending. To remove a key driver of those crimes, we introduced a new offence to outlaw "posting and boasting", which was raised by the CWA and the Hon. Rachel Merton in moving the motion. The Government has also supported a parliamentary inquiry of the Legislative Assembly into regional crime and its causes.

The Minns Government is taking regional crime seriously. That is why we are supporting the police to get on with the job. We should not play politics on these issues. They have not appeared in country communities overnight. They are longstanding issues. The Government is rebuilding the Police Force, getting essential workers back into regional communities, and rolling out a package of measures to curb youth crime. But the Government welcomes the advocacy of the CWA and meets with it on a regular basis. I certainly enjoy my regular meetings with the CWA leadership. I confirm to that the Government is getting on with the job of keeping regional communities safe.

**The Hon. SARAH MITCHELL (20:09):** I support the motion. I move:

That the question be amended by omitting in paragraph (2) "yesterday" and inserting instead "on 14 August 2024".

The amendment changes the date in paragraph (2) so that it is a true and accurate reflection. I am sure all members will support it. I also state for the record my admiration for the Country Women's Association [CWA] and the incredible work it does representing regional women. I have had a lot to do with it over the years. I give a shout-out to my good friend Annette Turner, who is a former State president of the CWA and who is very passionate about issues that impact regional communities. I remember attending an event in the Hunter with local CWA members. We chatted about how sometimes they get an unkind version of their acronym, and they are called the cranky women's association. One of the ladies who was more mature than I was then said, "I just turn around and say, 'No, CWA stands for Chicks With Attitude.'" I like that because that is what they really are. They do a wonderful job. It is fantastic that the CWA is getting behind solutions to regional crime, which continues to be a massive issue in our communities.

Some members would recall I have spoken about what has happened in my hometown of Gunnedah. My parents are in their seventies and their house was broken into. They woke up with a masked man standing over their bed. I have friends whose homes have been broken into and they have been held up at knifepoint in front of their children. I appreciate what the Minister said about the work that the police are doing. They are doing an excellent job with the resources they have, but I disagree with the Minister when she said that the increase in regional crime has not happened overnight and that the issues are longstanding. There has been, without a doubt, an escalation in the frequency of crimes, the weapons that are being used and the threatening nature of the incidents in rural communities like mine. A few years ago in Gunnedah it was unheard for people's homes to be broken into and people to be held at knifepoint for many hours. That is happening now, and it did not happen a few years ago.

This motion is not about the Opposition playing politics. It is certainly not about the politics of the CWA. People are frightened. Crimes are occurring and we need to adopt a bipartisan approach to get better police resources so people will no longer be frightened in their homes. It is a lived reality that I am more frightened at home in Gunnedah than I am when I am in Sydney. That may seem to be an oxymoron, but it is nevertheless true. The risk is present and people are being impacted by the increase in crimes, not just physically but by the social and emotional impacts that accompany living in fear. I congratulate the CWA on backing this in. The Government should take seriously the increase in regional crime rates so that people in the bush get better outcomes.

**The Hon. EMILY SUVAAL (20:12):** I also support the motion. I thank my local branch of the Country Women's Association [CWA], the Cessnock Evening Branch, for its ongoing work and advocacy in our local community, its fundraising and the important role it plays in social connection and in welcoming new people to the area. I particularly call out Catherine Crebert and Meredith Hunter. Obviously, the CWA has a really strong and powerful role to play in our regional communities across the State and now in the Sydney area. For a long time the CWA has been vocal on public policy issues and issues requiring advocacy. I acknowledge the CWA for its work in that space. The CWA is an important social network, but its advocacy on policy issues goes to the substance of the motion.

Obviously, regional crime is of concern to the Government, to members of the Legislative Council and to our communities. The Government has done a lot of work in this space, so there is some good news. We have invested in our frontline Police Force, and I know the police Minister in the other place has done a lot of work in that space. The Government has invested millions of dollars in reform initiatives and increased penalties for "post and boast" offences. It is also paying new police officers who are studying in Goulburn and offering incentives for graduate police officers to return to their local communities and work in the regions.

Not long ago I visited Tweed Heads and spoke with some of the local police officers. They spoke about how important it is for them to have the scheme of returning to work in the regions. They spoke about the difference they discerned in some of the applicants for police officer positions who now include applicants in the mature stages of their lives. They spoke affirmatively about the importance of coming home to the Tweed and having jobs in their local areas. I conclude by again thanking the CWA for its great advocacy work. I commend the motion to the House.

**Ms SUE HIGGINSON (20:15):** I also have had the benefit of fantastic experiences working with the Country Women's Association [CWA] in many different branches across New South Wales. I hold dearly the association's staunch advocacy in making sure coal seam gas did not impact on rural communities across New South Wales, including as far west as Coonamble, in the Northern Rivers and in many local branches such as Nimbin, Kyogle, Lismore and Grafton. It is very concerning to again be discussing more law and order approaches in this place. I understand we are talking about the increase in youth crime in certain regional areas, but we know that the remedy is not more police and that we need to examine the genuine causes of criminogenic

behaviour being displayed in some communities. The evidence is really clear and compelling that we are talking about disadvantage, poverty, illness and mental health issues among our young people. That is the reality.

In some ways it is tiresome to debate a motion that calls for more law and order when right now we are talking about locking up more First Nations kids. First Nations kids are being held on remand like never before in increasing numbers. We have never had so many First Nations kids interacting with the criminal justice system. It is not resulting in less crime or good outcomes in the community. It is hurting people, families and First Nations communities. When we raise issues in Parliament, I ask members to come with ideas and solutions and have real conversations. We cannot keep demonising kids who are displaying terrible behaviours. If we keep criminalising those behaviours, we will never break the cycles of crime. That is why the experts are calling for raising the age of criminal responsibility and holding young people responsible for their behaviours, but not criminalising them in the system. It is the fault of their families, their communities and all of us that young people are in the criminal justice system. Criminal behaviour is because of all of us.

**The Hon. WES FANG (20:18):** It is rare that I feel compelled to speak, but I listened to the motion and the kumbaya moment from most members of the House. I think we can all agree that the Country Women's Association [CWA] represents rural and regional communities very well because its members understand the issues in their communities. I was happy to sit and absorb the experience and collective wisdom of this House—and then Ms Sue Higginson stood up to speak.

Her contribution showed exactly why the advocacy of groups like the CWA is so important. What communities have recently seen in rural and regional crime is really concerning. It is so concerning that members on both sides of the House have acknowledged that we need to do something. To its credit, the Government has started to look at the issue, although I certainly think it can do a lot more. For Ms Sue Higginson to try to blame everybody else and obfuscate the issue by discussing raising the age of criminal responsibility in debate on such a motion is, in my view, part of the problem. People like The Greens try to be apologists for just about everything. It is always somebody else's fault.

The CWA is raising these issues because it is connected to the community and to rural and regional people. Those people, like my friend the Hon. Sarah Mitchell said, are scared and want to see action. The CWA is advocating for that action, and the best we can get from members like Ms Sue Higginson is talk about raising the age of criminal responsibility. We need less bail and more jail. That is what is going to fix the problem. We need a tough-on-crime attitude. That is what the CWA is asking for, that is what the Opposition is advocating for, and that is what the Government should be doing. To have members try to tell us that the problem is with the communities and all of us and that we all need to accept the blame ourselves ignores the fact that the communities are scared, they want things to happen and they want members to do something about it. What we need is less bail and more jail.

**The Hon. CAMERON MURPHY (20:21):** I cannot let the Hon. Wes Fang's speech go because the motion is fundamentally about the important advocacy of the Country Women's Association. That is what the debate should be about. It is a wonderful organisation full of dedicated, hardworking people who care about their rural communities. It is right and important that they raise issues that they see affecting their communities. The many issues they have raised over the years include crime, interests in farming, suicide in local communities and the lack of services. The debate should not degenerate into a bunch of slogans, as in the Hon. Wes Fang's speech. I think he spent most of his speaking time attacking his own Liberal Party leader in terms of what he was saying and the way he has been dealing with those issues over the past few years. We should refocus on what the motion is actually about, which is the Country Women's Association and its wonderful advocacy. I leave my contribution there.

**The Hon. RACHEL MERTON (20:23):** In reply: I thank all members for their contribution to the important debate. I thank those members who shared their perspectives, insights, passions and ideas. I thank the Hon. Tara Moriarty for reaffirming the Government's commitment to addressing regional crime and supporting police in stations. I also pick up her recognition of the regional bank branch closures and their impact on regional communities, in terms of crime and related issues. I also say that the motion is not playing politics. In the spirit of the discussion, it disappoints me to hear that coming from the Minister.

I thank the Hon. Sarah Mitchell for her contribution, which included sharing her family's personal experiences of the recent escalation in crime and its cost, consequence and impact. I also note the reports of people being frightened in the communities, which was the message clearly given to us by the Country Women's Association [CWA]. I thank the Hon. Emily Suvaal for her contribution. I recognise her connection with the CWA in Cessnock. I also highlight her commitment and recognise the importance of government investment in frontline police. I thank Ms Sue Higginson for her contribution and recognise her interaction with the CWA in coal seam gas and environmental issues.

I also respond to the comment by Ms Sue Higginson that my speech did not provide any meaningful solutions to the level of crime. I draw her attention to my comments, which addressed some of the root causes of youth crime and the immediate impacts. I spoke about providing better support for at-risk youth, improving education, improving employment opportunities in regional areas and ensuring that as much support as possible can be given to young kids. I thank the Hon. Wes Fang for his contribution and recognise his engagement with the CWA. I recognise that he is representing what he is seeing and hearing in the Wagga Wagga community, including that people are scared, and that he believes that the people are calling for a tough-on-crime approach, as represented by the CWA. [*Time expired.*]

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** The Hon. Rachel Merton has moved a motion, to which the Hon. Sarah Mitchell has moved an amendment. The question is that the amendment be agreed to.

**Amendment agreed to.**

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

**Motion as amended agreed to.**

### STARTUP MUSTER REPORT FUNDING

**Debate resumed from 14 August 2024.**

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (20:28):** I think it is the fourth time lucky for the Hon. Jacqui Munro in relation to this motion, which seems well worth waiting for. It has had a long gestation, but it is now here. The Government does not support the motion. Everybody agrees that the Startup Muster report is very useful. Members need to be clear that it is actually a national report that was defunded by the Morrison Government, funded again by the previous Government, and then funded as a one-off by the current Government. Alternative options are now being put in place. Minister Chanthivong is working on the NSW Innovation Blueprint. I know the member will say in her speech in reply that it is taking too long and is not working well enough. The fact is that it is working and going very well. Minister Chanthivong will release it in due course. We understand the member's point about the Startup Muster. However, it was given one-off funding and is a national program. We are moving on to other datasets that are now being worked through at a national level.

**Ms CATE FAEHRMANN (20:29):** The Greens oppose the motion.

**The Hon. Jacqui Munro:** Shame!

**Ms CATE FAEHRMANN:** I acknowledge the interjection. I am not opposed to the Hon. Jacqui Munro, who moved the motion. I acknowledge her genuine enthusiasm and expertise in this area. The Greens opposition is not to say that the Startup Muster is not important. Startups are the lifeblood of innovation in New South Wales, driving economic growth, creating jobs and addressing the critical challenges of our time. In 2023 green tech emerged as the top target industry for startup supporters. Startups in this space are pioneering solutions to the climate crisis and developing technologies that will reduce our carbon footprint and promote environmental stewardship. If we want New South Wales to lead in the fight against climate change, we need to support the ecosystem that drives these advancements.

The importance of startups extends beyond technology and the economy. Some of the statistics are truly inspiring. A staggering 41 per cent of startups are donating money to social impact causes, underscoring their role as agents of positive change in our society. These companies are not always focused solely on profit; they are committed to making a difference, addressing issues like inequality, poverty and environmental degradation. The mission of Startup Muster is to measure and publish the state of the Australian startup ecosystem, issuing a yearly report.

This program of work has included running annual national surveys. Historically, its surveys have been supported by funding from the Federal Government. However, the program was defunded under the Morrison Government in 2018. I am told by Minister Chanthivong's office that in 2023 the New South Wales Government stepped in to provide one-off support of \$145,000 to deliver the report. I also understand Startup Muster has continued in 2024 with support from a number of sponsors, including CommBank, the University of New South Wales and the City of Sydney.

I have also been told that, looking forward, a national startup data project has been established that draws on a more comprehensive and statistically significant dataset, including Australian Bureau of Statistics data. New South Wales and all other jurisdictions are collaborating on this larger body of work, which will be used to

inform innovation policy. Accordingly, I thank those involved in getting the Startup Muster off the ground and contributing excellent data and extremely useful information about the startup ecosystem to date. I look forward to reports of the national startup project going forward.

**The Hon. CAMERON MURPHY (20:32):** I speak in opposition to the motion. In doing so, I recognise that the shadow assistant innovation Minister, the Hon. Jacqui Munro, has a deep interest in these issues. I see it every time we have budget estimates hearings, where she ferociously questions the Minister about particular startups and bits of innovation in the portfolio area. In terms of this motion, we need to set the record straight. The Startup Muster was funded by the Federal Government until the Morrison Government defunded it in 2018. That is why we do not have it anymore. It was an incredibly useful tool that should have remained in place, but it did not because of the Morrison Government. We then stepped in to fund it to produce a report as a one-off. Members must remember that this was a national issue. It was something that was looking at innovation across all of Australia. It is not appropriate to reacquire that framework and put it in place in New South Wales. If we are going to fund something akin to the Startup Muster report, we should do it with its entire focus on New South Wales.

That is why the Minister is working on the Innovation Blueprint. Since he was sworn in he has been working through all the issues with innovation sector stakeholders, determining the right collaborative relationships so that we as a government best support their needs and attract the investment that we need to New South Wales. I admire the enthusiasm of the Hon. Jacqui Munro, but this is the Liberal Party yet again latching onto some old program and idea—one that it failed to fund and did not continue—and now saying that the Labor Government should step in and deal with it. It does this all over the place, not just in Innovation, Science and Technology but in other portfolio areas. What we need is what we are going to provide: the NSW Innovation Blueprint.

**The Hon. JACQUI MUNRO (20:35):** In reply: I thank all honourable members for their contributions. Unfortunately, the Government has failed to understand that the point of being in power is to make choices that benefit the people of New South Wales. This was such an important investment because it put finance in the hands of people best placed to run a program like this. Of course, the Government would like to make everything about funding internal government activities instead of getting close to the stakeholders, the best people to find out information about their own community. I note the Startup Muster had, I believe, around 50 per cent of respondents from New South Wales. It was and is an incredibly important resource for this State, to the point that the Innovation and Productivity Council was using it routinely as a source of information to have a basis of fact. This was and is a recognised source of credible information across the industry.

Members heard some of the sponsors that are now backing the Startup Muster, which is fantastic. That demonstrates the value of the information that we receive from this kind of research. It is incredibly important. The point here is that the Government has decided it is better placed to spend money internally and have people who are not on the ground and not in the community actually doing that work with their peers. It does not want those people who are on the ground to be involved anymore. It is discrediting the work those people are doing by deciding not to fund that research and the report. We are not talking about much money in the scheme of things. What the survey returns to us is not just the information of the results, which is incredibly useful, as Ms Cate Faehrmann alluded to. It puts investment into startups, who will have confidence in themselves to continue to grow.

This information is useful for startups as well as governments. This information is useful for investors. This information ensures that people investing in startups and scale-ups will get a return. Those people will see trends in the data and use it for the betterment of policy-making and business undertakings. That is really what this is about. The Startup Muster almost did not happen this year. It relies on volunteers putting in the hard yards to get this done—and they have to reach out their hands over and over again. Part of the reason was that this Government decided it did not want to continue funding for this incredibly important research tool. The Startup Muster will release its full results later in the year; it is probably closer than the Innovation Blueprint. I will rely on the Startup Muster rather than this Government.

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

**The House divided.**

Ayes .....12  
 Noes .....20  
 Majority.....8

**AYES**

Barrett  
 Carter

Faraway (teller)  
 MacDonald

Merton  
 Mitchell

## AYES

Fang (teller)  
Farlow

Maclaren-Jones  
Martin

Munro  
Tudehope

## NOES

Boyd  
Buttigieg  
Cohn  
Faehrmann  
Graham  
Higginson  
Houssos

Hurst  
Jackson  
Kaine  
Lawrence  
Mihailuk  
Mookhey  
Moriarty

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

## PAIRS

Rath  
Ward

D'Adam  
Donnelly

**Motion negatived.**

*Bills***MARINE SAFETY 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. Penny Sharpe, on behalf of the Hon. John Graham.**

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

**Statement of public interest tabled.**

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

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

**Motion agreed to.**

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

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

**Motion agreed to.**

*Motions***ROYAL COMMISSION INTO DEFENCE AND VETERAN SUICIDE FINAL REPORT**

**The Hon. EMILY SUVAAL (20:47):** I move:

- (1) That this House acknowledges that on Monday 9 September 2024 the final report of the Royal Commission into Defence and Veteran Suicide was released and notes that:
  - (a) the commission received over 5,900 submissions and conducted over almost 900 private sessions with people with lived experience;
  - (b) the commissioners also held 12 public hearings over 101 days questioning 346 witnesses, visited 26 defence bases across Australia and delivered a final report with 122 recommendations for Government; and
  - (c) there have been 1,677 confirmed veterans that have died by suicide since 1997 but the royal commission reported that the number of deaths may have been over 3,000.
- (2) That this House commends the work of Nick Kaldas, APM, chair of the royal commission, and his co-commissioners, the Hon. James Douglas, KC, and Dr Peggy Brown, AO, in delivering this much-awaited report.
- (3) That this House sends its condolences to the families of the veterans who have died and accepts that more needs to be done to help prevent veteran suicide.

I begin by expressing the Government's deep condolences to the families and loved ones of defence personnel and veterans who have sadly passed away as a result of suicide and suicidality. The Government welcomes the report

and recommendations of the Royal Commission into Defence and Veteran Suicide. In the initial analysis of the 122 recommendations, 14 recommendations refer specifically to working with State and Territory governments to address suicide and suicidality, three of which will directly impact New South Wales.

The New South Wales Government, veterans and their families, and key stakeholders in the ex-service community keenly await a formal response from the Australian Government to the recommendations. That response will help guide the New South Wales Government in the work it does to support and honour veterans and their families. It will further inform the work of the Office for Veterans Affairs in preparing the next NSW Veterans Strategy. I commend the NSW Office for Veterans Affairs, which worked tirelessly over the three years of the commission to organise the whole-of-government submission.

The Royal Commission into Defence and Veteran Suicide was established in 2021 following pressure on the then Morrison Government to address concerns in the veteran community about the startling rates of suicide in veterans. Its terms of reference required the royal commission to investigate systemic issues and any common themes amongst defence and veteran deaths by suicide or defence members and veterans who have other lived experience of suicide behaviour or risk factors. The commission's work has been to not only advocate on behalf of veterans and their families but also better understand the defence and veteran community and investigate what has caused the ongoing crisis of veteran suicide. The commissioners' roles were to listen, investigate and recommend actions or changes to address systemic issues contributing to suicide and suicidal behaviours by serving and ex-serving Defence Force members.

In the three years of the commission, it received 5,889 submissions, held 886 private sessions and heard from 346 witnesses at 12 public hearings, including four in New South Wales. The commissioners visited 26 Defence Force bases across Australia, and stated that there have been 1,677 confirmed suicides of veterans and Australian Defence Force personnel since 1997. However, it is estimated through the work of the royal commission that there have been, more likely, over 3,000 instances due to factors involved in individual cases that could not be conclusively ruled as suicide.

The suicide rate for ex-serving females is 15.4 per 100,000 population per year. Ex-serving females are on average 107 per cent more likely to die by suicide than non-serving females. The suicide rate for ex-serving males is 31.2 per 100,000 population per year. Ex-serving males are on average 26 per cent more likely to die by suicide than non-serving males. The royal commission report recommendations are framed around five priority areas representing lines of effort with enabling actions designed to address suicide and suicidality among serving and ex-serving Australian Defence Force members. Those five priority areas are to prevent harm; intervene early; improve communication, coordination and collaboration; build capability and capacity; and strengthen oversight and accountability.

I recommend that everyone read the executive summary of the report, and I also recommend reading the commission's book, *Shining a Light*, which is a written account of some of the harrowing stories that witnesses presented as part of their submissions. In closing, I commend commissioners Nick Kaldas, APM, the Hon. James Douglas, KC, and Dr Peggy Brown, AO, for their tireless work to help improve the lives of veterans. I again express my deepest condolences to the families and loved ones of those who have sadly passed away from suicide and suicidality.

**The Hon. WES FANG (20:52):** I lead for the Opposition in debate on this important motion, and I thank the Hon. Emily Suvaal for bringing it before the House. All of us who have served or who know somebody who has served have been keeping a close eye on the conduct of this inquiry and keenly awaiting its findings. The findings have been as shocking as we feared they might be, but have also provided some hope. Future veterans will have a pathway to acknowledgement post-service. The loss of the esprit de corps—the brotherhood, sisterhood and sense of connection in the service—can make a person feel a bit lost. People who have been following the inquiry and who understand that culture have recognised that the Federal and State governments need to take action.

The member rightly pointed out that there is a huge role for the New South Wales Government in assisting veterans after their service. In 2009, when Premier Rees was in charge, he appointed the first Minister Assisting the Premier on Veterans' Affairs in New South Wales. I give credit to Labor for appointing the first veterans' Minister in this State. I note that the Hon. Peter Primrose was one of those Ministers and I am glad that he is in the Chamber tonight as we pay tribute to that work. That portfolio became Minister for Veteran Affairs when the Coalition was in government. There is bipartisan recognition that the State Government has a huge role to play in protecting our veterans post-service. I look forward to working with members opposite to ensure that work is done.

**Dr AMANDA COHN (20:55):** The Greens support the motion. In more than 20 years of fighting in Afghanistan, 46 Australians died as a result of service. Over a similar period, between 1997 and 2020, at least

1,600 serving and ex-serving Australian Defence Force [ADF] members died by suicide. The Royal Commission into Defence and Veteran Suicide Final Report documents deep cultural issues within defence and the devastating impact that has on veterans and their families. It is a testament to veterans and their families that while enduring a broken system they also secured the royal commission. With nearly 6,000 submissions and 900 private sessions, this once-in-a-generation report must drive meaningful change and not be left to gather dust. That is what we owe to veterans, their families and the loved ones they have lost.

Some of that work is clearly the responsibility of the Federal Government. The report noted that the ADF's code of silence and military values are associated both directly and indirectly with suicide risk, and that defence leadership must be held accountable for that broken culture. In particular, the Federal Government must implement the recommendation for a standalone statutory entity that oversees and drives the system-wide reform that the royal commission has called for.

According to the New South Wales Government's submission to the royal commission, more than 200,000 ex-ADF members live across the State. I welcome the fact that in moving this motion the Government has acknowledged that more needs to be done to help prevent veteran suicide. Some of that work is a State responsibility, including community and hospital-based mental health care and addressing the social determinants of mental health, including employment, education, housing, social connection and more. The New South Wales Government stated in its submission:

In NSW, veterans have access to the same wide range of public hospital and associated health services as all citizens ...

If a veteran is not eligible to receive a service funded by DVA using their Veteran Card, they are free to access all public health services as a member of the public ...

We have heard loud and clear that those public health services are not adequate across much of New South Wales. The Government also referenced its Towards Zero Suicide strategy, and specifically its Safe Haven initiative. I note that the Government did not accept the recommendation of the recent mental health inquiry to expand the Safe Haven program to be a 24/7 service where feasible, with a view to opening additional Safe Havens in high-need rural, regional and remote areas. The Greens look forward to working with the Government to implement the change that is needed in New South Wales. One of the founding pillars of The Greens is peace and non-violence. There are conflicts that The Greens have opposed the involvement of the ADF in, and that is all the more reason that we strongly believe people sent to war, including and especially unjust war, must be cared for during and after their service.

**The Hon. MARK BUTTIGIEG (20:58):** The Royal Commission into Defence and Veteran Suicide was established in 2021 after a long campaign to see something done by government to address the ongoing issue of veteran suicide. It received 5,889 submissions, held 886 private sessions and heard from 346 witnesses at 12 public hearings, including four in New South Wales. The commissioners have stated that there have been 1,677 confirmed suicides of veterans and Australian Defence Force [ADF] personnel since 1997. However, it is estimated through the work of the royal commission that there have been, more likely, over 3,000. The suicide rate for ex-serving females is 15.4 per 100,000 population per year. On average, ex-serving females are 107 per cent more likely to die by suicide than non-serving females. The suicide rate for ex-serving males is 31.2 per 100,000 population per year. On average, ex-serving males are 26 per cent more likely to die by suicide than non-serving males.

In the initial analysis of the 122 recommendations, 14 recommendations refer specifically to working with State and Territory governments to address suicide and suicidality, and three of those recommendations will directly impact New South Wales. The New South Wales Government, veterans and their families, as well as key stakeholders in the ex-service community, keenly await a formal response from the Australian Government on the recommendations. The five priority areas to prevent harm are intervene early; improve communication, coordination and collaboration; build capability and capacity; and strengthen oversight and accountability.

According to the latest report of the Australian Institute of Health and Welfare—suicide monitoring 1997 to 2021—there were 1,677 certified suicide deaths of individuals with at least one day of Australian Defence Force service from 1985. Of those, 1,395 occurred among ex-serving members, 162 among permanent members and 120 among reserves. My colleague the Hon. Anthony D'Adam will outline some of the things that the New South Wales Government is going to do, but it stands to reason that if we are going to put people in traumatic situations in areas of conflict defending the country we should do something about those terrible suicide rates.

**The Hon. ANTHONY D'ADAM (21:01):** I start my contribution to this debate by expressing my deepest condolences to the families and loved ones of those who have, sadly, passed away from suicide and suicidality. My sister is a veteran, and my nephew is current serving Australian Defence Force personnel. My sister served time in Afghanistan, and my nephew has served in Iraq. I know my sister saw some pretty traumatic things, and

if we are going to put people in traumatic situations, we at least owe them the support that they need when they return. That is the least we can do.

I will outline some of the things that the New South Wales Government is doing to support veterans. In 2023 the Premier announced a new proposal for a contemporary memorial in The Domain to further acknowledge and commemorate our veterans from more recent conflicts. New South Wales implemented the first whole-of-government Veterans Strategy in the country and has ensured that that strategy is achieved through two-year action plans aimed at key outcomes for veterans. The New South Wales Veterans Strategy 2025-30 will take into account the recommendations of the royal commission. It will change from a targets-based document to an outcomes-driven document that will act as a measure for government success in supporting veterans. The new strategy will include a new theme—advocacy and community engagement—that will articulate the role of the Office for Veterans Affairs in advocating for veterans both within the New South Wales Government and across Australia.

Veteran employment figures show that 3,000 veterans have been employed in New South Wales government agencies and departments since 2016, 773 veterans have been hired since 31 March 2023, and the Office for Veterans Affairs has undertaken to assist 23 New South Wales local governments to set up their own form of Veterans Employment Program. Those are just some of the measures that the New South Wales Government has taken. There is undoubtedly more that can be done. We need to support our veterans, and we need to try to reduce the impact of suicide and suicidality on both our serving personnel and those who have served.

**The Hon. CAMERON MURPHY (21:04):** I begin speaking to this motion by saying that the families and loved ones who are affected by veteran suicide deserve dignity, respect and answers. This report is important, it is valuable and it goes a long way to achieving those things. Importantly, it provides a framework of recommendations that, hopefully, will help all of us to address the systemic issues at the heart of veteran suicide and will help us with a road map that may prevent it from occurring in the future. In particular, I thank Nick Kaldas, APM. He is one of the commissioners, an old friend and, more often, an old adversary of mine. I thank him for his exemplary work on this most important of issues. I hope that we can, in a bipartisan way, make the reforms that we need to in this State to implement the recommendations of this report.

**The Hon. EMILY SUVAAL (21:06):** In reply: I thank the members who contributed to the debate tonight. I recognise the Hon. Wes Fang's service to our country and acknowledge the importance of post-service assistance and connection with communities that he raised. Obviously, the first veterans Minister was in the 2009 Rees Government. I recognise you, Mr Assistant President, the Hon. Peter Primrose, and your contribution to that role at that time. I thank Dr Amanda Cohn for her contribution and her continued advocacy in the mental health space for all people of New South Wales, including veterans. More needs to be done, can be done and will be done by the New South Wales Government.

I thank the Hon. Mark Buttigieg for his contribution on the need for us to support veterans upon their return. I also thank the Hon. Anthony D'Adam for sharing the story of his sister and his nephew, and I extend my thanks to them for their service. I thank the member for talking about the importance of the fact that if we are going to put people in those traumatic situations, the least we can do is to support them when they return. I also thank and acknowledge the contribution of my colleague the Hon. Cameron Murphy. Before I commend the motion to the House, I quote from an ex-serving air force member in the executive summary in the commission report. It reads:

Nothing will take away what it does to a person to literally sign a piece of paper to say they will go anywhere at any time and do anything – including sacrificing their own life – in the defence of our country. And then for that country to turn around and say to them they are not worth anything to them broken. Not worth anything to them injured. That they see me as nothing.

With that, I commend the motion to the House.

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

**Motion agreed to.**

*Bills*

#### **ENVIRONMENTAL TRUST AMENDMENT BILL 2024**

**Returned**

**The ASSISTANT PRESIDENT (The Hon. Peter Primrose):** I report receipt of a message from the Legislative Assembly returning the bill without amendment.

**LOCAL GOVERNMENT AMENDMENT (PECUNIARY INTERESTS) BILL 2024****First Reading****Bill introduced, read a first time and ordered to be published on motion by the Hon. Tania Mihailuk.****Second Reading Speech****The Hon. TANIA MIHAILUK (21:10):** I move:

That this bill be now read a second time.

The Local Government Amendment (Pecuniary Interests) Bill 2024 proposes to amend the Local Government Act 1993 to require councillors to disclose all pecuniary interests, including those outside New South Wales, and for related purposes. The bill will make it clear that a pecuniary interest includes a pecuniary interest outside New South Wales and will require the model code of conduct prescribed by the regulations to require councillors and general managers of councils to disclose all pecuniary interests. Currently in New South Wales, under section 439AA (4) of the Local Government Act 1993, which clarifies the operation of the pecuniary interest provisions in the *Model Code of Conduct for Local Councils in NSW*, councillors do not have a pecuniary interest in a matter if:

... the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in a code of conduct as not being required to be disclosed.

Recently, some councillors have relied upon that particular wording to avoid full disclosure. That, of course, includes property as a potential pecuniary interest. Additionally, councillors in New South Wales are required under the model code of conduct to disclose interests in real property they hold in any Australian jurisdiction. However, they are not required to disclose interests in real property held outside of Australia. Therein lies the problem, as was revealed at the end of 2022 when the Standing Committee on State Development initiated an inquiry into allegations of impropriety against agents of the City of Canterbury Bankstown Council—namely, then mayor Labor councillor Khal Asfour—and the close relationships between councillors and property developers that may have influenced planning instruments and the positioning of infrastructure across the council area.

It became clear throughout the inquiry that the council was a law unto itself. It was spending ludicrous amounts of ratepayers' money and were neck deep in developer interests and donations. Pointedly, Mr Asfour had failed to disclose real property, citing the current lack of legislative requirements as not necessarily requiring him to do so. His properties included a property in Melbourne, which Mr Asfour claimed during the inquiry hearings was owned by his self-managed super fund, and property in the Philippines. Despite having a financial interest in those properties, Mr Asfour did not list them on his declarations to council. As he put it, he did not list the Philippines properties because the declaration is "only related to Australian property" and councillors do not have to make any foreign declarations.

It is my view that other councillors on this council and, indeed, probably other councillors across our State, have also not disclosed all their interstate or overseas properties, funds and interests. To argue that a property overseas and any associated conflict of interest from such ownership is too remote to be of significance fails to appreciate that the conflict is not geographically limited. On its website, the NSW ICAC states:

Citizens rightly expect that public officials, or their close connections and associates, should never be in a position to obtain an undue personal benefit as a result of the public official doing their job. This reflects the view that public office is held for the public good, not the purposes or benefits of the officeholder.

I could not agree more. The ICAC also points out:

Conflicts of interest do not, in themselves, usually constitute corrupt conduct. Corrupt conduct can, however, arise when a conflict of interest is concealed, understated, mismanaged or abused.

In other words, transparency is key for all public officials in New South Wales. As we are all aware, the standard regarding the declaration of pecuniary interests for local councillors is very different for State MPs, who must disclose all interests in accordance with the Code of Conduct for Members. That is because there is a rightful expectation from the electorate, and a proper disclosure process, which facilitates the members of the New South Wales Parliament, through tax dollars, to be transparent about our financial interests and thus avoid any conflict of interest that could compromise our ability to serve the people of our State.

Given the oft-underestimated power and influence local governments have—and as someone who has spent time in local government, I can assure the House they have far more influence than most State MPs could ever imagine—it beggars belief that local councillors are not held to the same standard for the sake of their ratepayers. Certainly, the findings of the inquiry into the Canterbury Bankstown council reflected that concern. The report recommended the Office of Local Government review the *Model Code of Conduct for Local Councils*

in NSW to ensure that the obligation to disclose pecuniary interests extends to overseas and interstate property interests. That is all well and good but the report was released at the end of February 2023 and the Government subsequently responded at the end of June 2023. That is more than 15 months ago. To date there is no evidence of any steps taken by the New South Wales Government to review the local councils model code of conduct.

In light of the recent New South Wales local government elections, I have asked a number of questions about the progress, if any, of reviewing the model code of conduct. It concerns me greatly that that we have recently had the local government elections yet the review process remains unchanged. The elected councillors—some continuing, some new—who will shortly be declared, will still be declaring their pecuniary interests under the current model code of conduct because this Government is yet to act on the recommendations or its own response from June 2023, which stated that it would review the guidelines around conduct and the interest declarations.

I encourage members to look at pages 12 to 14 of the transcript of the Standing Committee on State Development inquiry into Canterbury Bankstown council of Wednesday 21 December 2022. On those pages the Hon. Mark Latham diligently questioned Mr Khal Asfour in relation to his self-managed super fund and the lack of declaration with respect to a property that was owned by that fund and the fact that it took quite some time for it to be properly declared. In fact, it took quite some time for Mr Asfour to actually admit that he was the only director of that fund, which purchased a property in Melbourne. On the bad advice of his solicitor, he failed to disclose it. Rather than taking advice from the general manager or from local government, he took advice from a local solicitor in Bankstown, I imagine.

I also turn members' attention to page 19 of the Monday 6 February 2023 transcript from the same inquiry. It shows further questioning, in this instance, from the Hon. Scott Farlow, who asked Mr Asfour directly whether he had international property holdings. The transcript stated:

**The Hon. SCOTT FARLOW:** Finally, Mr Asfour, in relation to your council disclosures, do you have any international property holdings?

**KHAL ASFOUR:** Yes.

**The Hon. SCOTT FARLOW:** Whereabouts are they located?

**KHAL ASFOUR:** The Philippines.

**The Hon. SCOTT FARLOW:** Are there any developers who have assisted with the cost of any of your home renovations?

Further questions were asked but what was revealing was further down the transcript on page 26. It stated:

**The Hon. SCOTT FARLOW:** When did you acquire that property?

**KHAL ASFOUR:** When? I think this falls outside the terms of reference, to be honest. What I do in my private capacity financially and what I invest in has nothing to do—

**The Hon. SCOTT FARLOW:** I think there is an expectation from the residents of Canterbury Bankstown council.

**KHAL ASFOUR:** Well, the Philippines has nothing to do with Canterbury Bankstown council.

That exchange is all that any member in this House really needs to hear to fully appreciate that this particular individual lacks the cognitive understanding of why we have disclosures in the first place. I will continue with the questions that I asked. On 13 August 2024, I asked the Minister for Regional New South Wales, in her capacity representing the Minister for Local Government:

Given NSW Labor has yet again endorsed and embraced Councillor Khal Asfour as a candidate to represent "new Labor" at the next local government elections, and given Councillor Asfour has previously failed to disclose his properties in Melbourne and the Philippines, will the Minister for Local Government amend the Local Government Act 1993, specifically section 439AA (4), to ensure that councillors such as Asfour do not rely on any legislative loopholes to avoid complying with all legal and ethical obligations as a councillor?

Unfortunately, the Hon. Tara Moriarty said:

I am not aware of any plans, but I will seek an answer from the Minister and come back to the House.

When I was finally given an answer on 3 September, it was simply to reiterate the current situation under the *Model Code of Conduct for Councils in NSW*, and to provide the vague response:

Following the recommendations of the Legislative Council Inquiry into "Allegations of impropriety against agents of the City of Canterbury Bankstown Council" the requirement to declare overseas property will be amended through the Government's reforms of the Model Code of Conduct, which is being worked on currently.

No time frame was provided as to when this work might be completed. As such, I asked the Hon. Tara Moriarty on 18 September:

Given that New South Wales local government elections have just been held and that in due course new and existing councillors will be declared elected and thus will be required to submit their pecuniary interests, when will the New South Wales Government, in response to the Canterbury-Bankstown inquiry recommendations to amend section 439AA (4) of the Local Government Act, specifically amend the model code of conduct and ensure that all overseas properties must be disclosed?

Again, the Minister's response was simply:

I thank the Hon. Tania Mihailuk for the question, which has been asked of me in my capacity representing the Minister for Local Government. I will seek an answer from the Minister and bring it back to the House.

The answer to my question is due on 10 October. I await it with bated breath but, given the slackness of the New South Wales Government to act on this issue, I am not optimistic. I again remind the Government that it finalised its report in June last year. There has been plenty of time to review the model code of conduct. The Minister for Local Government should get his act together. As such I have decided in the interim to do a little bit of the work for the New South Wales Government. That is why I proposed the Local Government Amendment (Pecuniary Interests) Bill 2024.

In addition to compensating for the Government's lack of action, there is the possibility that amending the *Model Code of Conduct for Councils in NSW* will not be enough to close all of the loopholes regarding pecuniary interests, which means legislative reform is required. The bill seeks to eliminate any ambiguity regarding the disclosure of pecuniary interests that are held outside the State. While the current legislation, specifically section 439AA of the Local Government Act, provides a general definition of pecuniary interests, it does not explicitly refer to out-of-State interests. There has been a recognised need to clarify the position. Hence schedule 1 [1] is as follows:

Insert ", including an interest outside New South Wales" after "to the person" in section 439AA (1), definition of *pecuniary interest*.

Schedule 1 [4] inserts section 440AAA (2A) into the Act, which reads:

The model code must contain provisions related to the disclosure of pecuniary interests, including provisions that require councillors and general managers of councils to disclose all pecuniary interests.

The bill also omits section 440AAA (3) (b) to ensure that the required disclosure is not at the discretion of the model code of conduct but is instead required by the Local Government Act itself. The people of New South Wales deserve to be able to put their full trust in all levels of government, and this must include our local councils. Local government is integral to the way that people operate on a day-to-day basis. People speak to their councillors and work with their local council. It is incredibly important, particularly in light of what we read, heard and witnessed throughout the inquiry into the City of Canterbury Bankstown.

When you look at the work undertaken by ICAC over the years specifically in relation to local governments across the State, it is so important that the New South Wales Government does not drag its feet on implementing the recommendations of the report. The delay of over 1½ years proves that the Government needs to care. It should take a stronger interest in making sure that our public officials at a local government level are honest. We must finally close any legislative loopholes that give opportunities for people like Mr Asfour to avoid disclosure. I also take this opportunity to encourage the Minister to progress with the matter. I will come back for a full debate on this matter in October, but I am hoping in the interim that the Minister and the Government make a welcome announcement to put forward the recommendations they said that they would. In any event, I hope that this House does pass my Local Government Amendment (Pecuniary Interests) Bill 2024 in October.

**Debate adjourned.**

*Adjournment Debate*

**ADJOURNMENT**

**The Hon. JOHN GRAHAM:** I move:

That this House do now adjourn.

### **36 MONTHS CAMPAIGN**

**The Hon. SARAH MITCHELL (21:26):** Last month I was pleased to join a number of my parliamentary colleagues, including the Leader of the Opposition, Mark Speakman; the Leader of The Nationals, Dugald Saunders; and the shadow Minister for Health, Kellie Sloane, at an event here in Parliament House in support of the 36 Months campaign. What is 36 Months? It is a social change initiative pioneered by Nova radio presenter Michael "Wippa" Wipfli and Rob Galluzzo to amend legislation to raise the minimum age Australian teenagers can sign up for social media accounts from 13 to 16. Their petition has received over 114,000 signatures across Australia, and 80 per cent of them are from mums. This campaign comes from the commonsense position that young people are better off with three more years to mature and develop their offline identities so that they are better equipped to handle the challenges of social media when they do eventually sign up. The campaign states:

In order to safeguard their digital future, we think 13yr olds should take another 36 months to get to know themselves before the world does.

The online world is evolving, and so should our safeguards. The New South Wales Liberal Party and The Nationals support the 36 Months campaign. At the event, we also called on the Federal and State Governments to raise the minimum age for social media from 13 to 16 to ensure a safer digital space for our young people. Rising social media use has been linked to a variety of health issues. Many measures in different countries show that members of generation Z are suffering from anxiety, depression, self-harm and other related disorders at levels higher than any other generation for which we have data.

Thanks to the persistence of campaigns such as this, there is now a national conversation around enforcing a minimum age for using social media. This initiative has called itself 36 Months because we are talking about giving kids three more years without the dangers and distractions of social media. It is not a significant amount of time relative to the rest of their lives, but giving kids more time to be kids will make such a difference. This change will not be a silver bullet to stopping the issues young people face with social media. We know that extending the age to 16 will not restrict all children from social media, or result in them avoiding all contact with social media.

In the same way, we know people under the age of 18 will be exposed to alcohol despite an age limit. The point is to push the needle further in one direction. It will give parents the power to protect their children for just that little bit longer from the potential dangers of social media and to allow young people to have just a little bit more personal growth and time for their maturity to develop so they are better equipped to have a social media presence. As I have said in this place before, our phones have become an insidious portal that social media platforms now use to get to children. Without parents' permission, or even their knowledge, they can get to your child. They can send notifications. They can interrupt them in whatever they are doing by saying, "Come and have a look at what somebody just said about you."

Things in an online space move so quickly, and until recent commitments to social media age bans, we have not kept pace with legislation to protect our kids from the unintended consequences of technological advances, surveillance and algorithms. The 36 Months campaign should be supported by politicians from all parties and at all levels of government. It is an important first step in what needs to be a range of solutions that governments consider. Australia has a real opportunity to turn limiting social media access into a coherent and innovative solution to online harms. Governments ought to set an expectation of how social media platforms must behave and for the quality of the services they provide. Policy levers could include requiring social media platforms to measure and improve user wellbeing or quality of interactions, rather than just increasing user engagement.

We must engage with young people about policies that affect them and ensure that they develop social media and digital literacy skills. Social media is not going away. I acknowledge that it can provide an outlet that gives young people a chance to connect, and bring them a sense of community. But recent tragic events have shown how harmful online bullying can be. There is so much more that we need to do. We need to educate our young people. Social media literacy classes for children and parents should be undertaken at the time our kids get a phone. Childhood was not perfect before the invention of the smartphone, and obviously the smartphone was not the start of bullying, but now the act of growing up and everything that comes with it is on display for thousands and possibly millions to see, including all mistakes.

Cyberbullying is not confined to the classroom or school hours. We must address the root cause by teaching young people to develop healthy relationships with their devices—a lesson that most adults could also benefit from. Change in this space requires a community effort, involving teachers, parents, peers and community leaders. I wholeheartedly congratulate the 36 Months team on its passionate advocacy and strong determination to improve outcomes for our kids. I am proud to support its campaign.

#### PALESTINE AND LEBANON

**Ms ABIGAIL BOYD (21:31):** On 18 September, for the first time in 42 years, the United Nations General Assembly overwhelmingly voted to impose sanctions on Israel. Despite Australia abstaining from this critical vote, the global majority affirmed that the International Court of Justice's historic ruling triggers the legal obligation of all states to end their complicity in Israel's illegal occupation and apartheid regime. Starting today in New York, heads of state are gathering for their annual high-level debate at the United Nations. At that meeting, all states, including Australia, must prioritise taking immediate and decisive action to put an end to Israel's genocide in Gaza, to dismantle its decades-long apartheid and settler-colonial regime against all Palestinians, and resolve to turn this resolution from words on paper into a global reality.

Now is the time for the Australian Government to act in concert with the overwhelming global majority in upholding its obligations under international law and to pay heed to the unified Palestinian civil society call. The global movement for peace and justice is demanding that we impose a mandatory and comprehensive two-way

military embargo on Israel to stop all export, import and transfer of weapons. This is a legal obligation, not a choice. It is demanding that we impose lawful and targeted sanctions, including ending diplomatic relations with Israel, imposing financial sanctions and suspending all trade and cooperation agreements with Israel.

Australia will be asked to activate and support universal jurisdiction mechanisms to hold suspected perpetrators of international crimes accountable in domestic courts, and to immediately begin the inspection of and denial of docking permission to ships suspected of carrying military supplies to Israel. But, so far, the Australian Government has done none of this. In the face of over 42,000 people confirmed killed by direct Israeli attacks, with a further 95,000 injured and another 10,000 missing, our inability to condemn these atrocities without reservation or equivocation speaks to a deep and dark national failure. And now, with arms continuing to flow to Israel, with Australia a fundamental part of their supply and production chain, the Israel state has embarked on a dramatic escalation of its genocidal war, appearing to extend it into Lebanon.

Earlier this week waves of Israeli air strikes bombarded southern and eastern Lebanon, killing over 558 people, while displacing thousands of others. At least 1,835 civilians were reported wounded. Footage has shown Israeli forces engaging in the total carpet bombing of civilian homes in 58 towns and villages across Southern Lebanon and the Bekaa Valley. The Israeli bombing has targeted homes, medical centres, ambulances and the cars of people trying to flee. These are war crimes. These atrocities followed shortly after Israeli intelligence services launched a mass terror attack inside Lebanon.

This atrocity of a reckless and deliberately untargeted attack saw thousands of electronic devices remotely detonated, killing at least 40 and wounding and maiming thousands of others, while "unleashing widespread fear, panic, and horror among people in Lebanon", to quote a top United Nations official. Human Rights Watch have decried the scattergun approach, saying the attack is a clear breach of international humanitarian law. A group of more than a dozen United Nations legal experts, led by University of Sydney law professor Ben Saul, have labelled it a "terrifying violation of international law" that could constitute a war crime.

Under the guise of fighting terrorism, Israel continues to act with impunity in the region, emboldened by unconditional support from the United States, with Australia as its lackey in lockstep marching to the drums of war. Australia, under the joint urging of the legacy political parties, remains committed to our involvement and increasing participation in the global arms trade. This arms trade has delivered a steady flow of bombs that have massacred over 40,000 Palestinians in Gaza, and nearly one thousand civilians in Lebanon. Israel has launched over 8,000 attacks in Lebanon since last October. These are the facts, and they are undeniable. No amount of spin and bluster can deny the reality: a genocidal campaign is being waged. But the Israeli Government would prefer that we did not hear the truth. Just days ago, the Israeli Government raided the offices of Al Jazeera in the Israeli-occupied West Bank, ordering the bureau to shut down amid an intensifying campaign of bombardment.

The simple fact is that Israel has no intention of pursuing a diplomatic solution to this crisis. Absent the adequate international condemnation, and absent pressure on Israel to halt its genocidal rampage, nothing will change until the entire region is drawn into an all-consuming conflagration. Australia has told citizens currently in Lebanon that it will not be possible to safely extract them all, as the world braces for an expected ground assault by Israeli forces. I echo and paraphrase the words of United States Representative Rashida Tlaib that it is surely easier to stop sending the Israeli Government weapons to conduct its genocidal wars than it is to evacuate every Australian in Lebanon. Stop the war. No more atrocities. Palestine must be free.

#### GAZA CONFLICT

**The Hon. ANTHONY D'ADAM (21:36):** Last week Israel engaged in an act that can only be described as a form of state-sponsored terrorism and a clear war crime when it placed explosive devices in pagers and walkie-talkies in Lebanon. It was an action that displayed a complete contempt for the risks posed to innocent civilians. *The Guardian* reports that 32 people were killed, including two children, and thousands more were injured in an initial attack involving pagers. In a second round involving walkie-talkies, a further 20 people were killed and 450 people were injured. This week Israeli airstrikes on Lebanon killed 492 people and injured a further 1,645 in the highest daily death toll since the end of the Lebanese civil war. Israel seems determined to escalate the current conflict by drawing in Lebanon and potentially Iran, while at the same time drawing attention away from what it is doing in Gaza and the West Bank, where it continues to dispossess Palestinians of their land through the expansion of illegal settlements that day by day erode the viability of a two-state solution.

The eminent medical journal *The Lancet* recently published an estimate of the deaths in Gaza at 186,000 people when account is taken of those under the rubble. This equates to roughly 7.9 per cent of the total population before 7 October. If deaths continue at this rate of 23,000 per month, the number will be 335,500 by the end of the year. The impact of Israel's campaign in Gaza is defined by Israel's indifference to the human suffering it is inflicting on the civilian population—the deaths, the use of starvation as a weapon, the destruction of civilian

infrastructure and housing, and the disproportionate impact on Gaza's children. These are war crimes and contrary to Israel's obligations under international human rights law and international humanitarian law.

Yesterday the United Nations Secretary-General declared that we were living in a world of impunity, where violations and abuses threaten the very foundations of international law and the Charter of the United Nations. He said that the level of impunity in the world is politically indefensible and morally intolerable, and that today a growing number of governments and others feel entitled to a get-out-of-jail-free card. They can trample international law, violate the United Nations Charter, turn a blind eye to international human rights conventions or the decisions of international courts, thumb their nose at international humanitarian law, invade another country, lay waste to whole societies or utterly disregard the welfare of their people and nothing will happen.

In July the International Court of Justice issued an Advisory Opinion that found that Israel's occupation and annexation of the Palestinian Territory is unlawful, and its discriminatory laws and policies against Palestinians violate the prohibition on racial segregation and apartheid. This ruling requires member states—and that includes Australia—not to render aid or assistance in maintaining the situation created by Israel's illegal presence in the occupied Palestinian territories.

On 18 September the United Nations General Assembly voted on a resolution brought by the permanent observer of the State of Palestine calling on Israel to withdraw from the occupied Palestinian territories and calling for all states to implement sanctions and other actions consistent with their obligations under international law. The resolution passed 124 to 14, with Australia, to its shame, being one of 43 countries that abstained. As we approach the 12-month mark of the current genocide in Gaza, the world must act to bring a permanent ceasefire. Israel must be brought to heel. Its Government shows no sign of wanting to end the killing. It is only able to continue to do that because of the diplomatic cover that the United States and its allies, like Australia, provide it. Israel persists because of the legitimacy conferred on it by countries like Australia, but its actions have rendered it illegitimate. Israel should be an international pariah for what it has done in Gaza.

It is time Australia imposed comprehensive and substantive sanctions on Israel consistent with our obligations to uphold international law. The Government says that it has not supplied weapons to Israel in the past five years. If that is the case, then there should be no obstacle in imposing a complete embargo on any form of military cooperation with Israel. The world is on a precipice. The system of international law is under existential threat. War ravages the globe. Australia cannot say it supports international law and the international rules-based order if, when called to take action to defend the application of international law, we choose to sit on the sidelines. I agree with Martin Luther King when quoting Dante, who said that the hottest place in hell is reserved for those who in a period of moral crisis maintain their neutrality.

## HOUSING SUPPLY

**The Hon. SCOTT FARLOW (21:40):** Last week the Australian Bureau of Statistics published its national, State and Territory population statistics for the March quarter, which showed that the population in New South Wales increased by 167,741 in the year to March 2024. That is population growth in excess of 2 per cent and the largest yearly population growth in the history of the State. That is on top of an increase of 164,168 people in the previous year to March 2023. So over the past two years our State has grown by 331,309 people. That is 1½ times the population of Hobart. Before we think that this is just catching up with population decreases during COVID, in the year to March 2021, New South Wales only lost 18,986 persons and grew in subsequent years. These kinds of figures are unsustainable, and they have fuelled the housing crisis in this State and our nation, especially when housing construction had no chance of keeping up with the overnight population growth that has occurred under the Albanese and Minns Labor governments.

In recent years we have seen land costs increase, interest rates rise by 425 basis points and construction costs increase by 40 points, and this Government and other State governments around Australia have increased fees and taxes. It is no wonder that building in our State and nation is decreasing. In this Labor Government's first financial year in office, we have seen development approvals drop by 15 per cent to the lowest levels in more than a decade. In the year to March 2024, there were only 45,951 completions. That is one property for every 3.65 new people who come to our State. There is an equation in the housing market. It is supply and demand. Quite simply, that equation is broken. The Minister for Housing told this House last year:

The reason that the State has a housing crisis is not because of immigrants. It is wrong and dog whistling to claim that that is the case. The reason that this State has a housing crisis is because of 12 years of neglect under the Liberal-Nationals Government, where we saw a combination of things happen. We saw a combination of building approvals plummet. We saw a combination of building completions plummet. We saw a combination of the infrastructure needed to deliver the housing that we needed plummet.

I think those riding the metro would say that infrastructure seems to have been delivered. Labor Party members have wilfully buried their heads in the sand, saying that unprecedented high levels of immigration have nothing to do with the housing crisis and trying to perpetuate the myth that nothing was built under the

Liberal Government. But the numbers put that lie to bed. When the Coalition came to government, new completions were at 27,306 per year. We got that figure to 72,483 in the year prior to the pandemic. From the Coalition's election until March 2020, the onset of the pandemic, the New South Wales population grew by 907,264 people. In that time, 457,333 dwellings were completed. That is one property for every 1.98 new persons to New South Wales. Under the Albanese and Minns Labor governments there is nearly half the number of properties available for every new person to our State. That is simply not sustainable.

That is part of the reason why the September ANZ-CoreLogic *Housing Affordability Report* shows that the portion of income required to service new rents in Sydney has gone from 27 per cent in June 2020 to 33.8 per cent in June 2024. Similarly, the portion of income to service a new mortgage has gone from less than 40 per cent in June 2020 to 61.8 per cent in June 2024—by far the highest on record. The proportion of rental housing deemed affordable for average earners in New South Wales went from 33 per cent prior to the election of the Coalition Government to 42 per cent in 2021-22. In 2023-24 it now sits at 28 per cent.

Immigration has enriched Australia and is important for our future, but we need to ensure that it is at a sustainable level and that everyone has an affordable place to live. Our migration program must preference tradies over yoga instructors, dog handlers and martial artists. Of the 737,000 migrant arrivals to Australia in 2022-23, only 10,540 visas were issued for tradies. That is less than 1.5 per cent of our migration program. It is about time that this Government joined with the Coalition in standing up to Canberra and calling for a better balanced migration program that delivers the workers we need and reduces the broader pressures on the housing market. Solving the housing crisis will require an approach that focuses on both supply and demand. It is about time those in the Minns Government stopped burying their heads in the sand and stood up to their mates in Canberra when it comes to the pressures on the housing market that are being compounded by Labor's unsustainable migration program.

#### NATURE-BASED ACTIVITIES AND MENTAL HEALTH

**Ms CATE FAEHRMANN (21:45):** Human health and planetary health are intrinsically linked. Urbanisation is emerging as an important health concern globally, with cities identified as epicentres for chronic and non-communicable disease. The World Health Organization forecasts that mental health disorders will be the leading cause of disability in middle- to high-income countries by 2030. One in four Australians have had direct experience of a climate change related event that fulfils post-traumatic stress disorder screening criteria. Young people are particularly vulnerable, with a significant rise in the incidence and severity of eco-anxiety and its ill effects on physical and mental health.

Nature-based interventions are emerging as extremely promising in addressing both human and planetary health. Research is demonstrating that meaningful time spent in nature has significant human health benefits. NatureFix is one local social enterprise working towards better personal and planetary health. In partnership with Macquarie University, it has developed a Living Lab research program that has successfully proven the health and wellbeing benefits of spending time in nature or green spaces, or even just having more plants around us. A study in *Nature* journal found that, on average, people who visited public green space more often had lower stress, anxiety and depression scores than people who visited it less often.

Nature-positive design, such as the use of green spaces, also generates significant financial returns on investment in staff wellbeing and productivity, patient recovery, and reductions to operating costs. In the United Kingdom, a landmark two-year cross-government study—the Green Social Prescribing Programme to Tackle and Prevent Mental Ill Health—was recently evaluated. The first study of its kind in the world, it aimed to assess the impact of green social prescribing on people's mental health, tackle health inequalities by reaching people in deprived communities, and deliver value to the health system. During the study, more than 8,300 people with mental health needs were supported to access nature-based activities.

There are many different types of nature-based activities and therapies, including conservation activities; wilderness focused activities; horticulture and gardening; care farming; exercise and sport focused activities; creativity focused activities; talking therapies in the outdoors; and alternative therapies in the outdoors. Participants' wellbeing was measured before and after participation in nature-based activities using Office of National Statistics measures, with statistically significant improvements. For example, happiness increased from an average of 5.3 to 7.5. Life satisfaction increased from an average of 4.7 to 6.8. Feeling that life is worthwhile increased from an average of 5.1 to 6.8. Levels of anxiety reduced from an average of 4.8 to 3.4. The economic value of improvements to individual life satisfaction were estimated to be almost £2.50 for every £1 invested by the Government, and a total value of £14 million. The United Kingdom Government initially launched the two-year Green Social Prescribing program, funded by Treasury and core partners, with a £5.7 million investment. The program has been extended for a further year until April 2025.

The American Psychological Association states that both correlational and experimental research have shown that interacting with nature has cognitive benefits. Green spaces near schools promote cognitive development in children and green views near children's homes promote self-control behaviours. Adults assigned to public housing units in areas with more green space showed better attentional functioning than those assigned to units with less access to natural environments. Other research shows that when children get outside, it leaves a lasting impression.

In a study of residents of Denmark, researchers used satellite data to assess people's exposure to green space from birth to age 10, which they compared with longitudinal data on individual mental health outcomes. The researchers examined data from more than 900,000 residents born between 1985 and 2003 and found that children who lived in neighbourhoods with more green space had a reduced risk in later life of many psychiatric disorders that included depression, mood disorders, schizophrenia, eating disorders and substance use disorders. For those with the lowest levels of green space exposure during childhood, the risk of developing mental illness was 55 per cent higher than for those who grew up with abundant green space. With a growing mental health crisis in this State, we should be doing much more to protect our green spaces, regenerate green spaces and invest in programs that bring people closer to nature—and we need to stop logging our public native forests.

#### AUSTRALIAN TAMIL CHAMBER OF COMMERCE AWARDS

**The Hon. PETER PRIMROSE (21:50):** Last Saturday evening I was very honoured to have attended the Annual Gala Dinner and Business Awards of the Australian Tamil Chamber of Commerce [ATCC] in Parramatta. Other special guests included the Premier, the Hon. Chris Minns; the Federal member for Parramatta, Dr Andrew Charlton; the member for Prospect, Dr Hugh McDermott; the Consul General of India, Dr Janakiraman; and the president of the NSW Australia-India Business Council, Irfan Malik.

We were all warmly greeted by the dynamic president of the ATCC, Mr Anton Rock Fernando, and I was especially pleased to meet with my friend Mr Thiru Arumugan, the vice-president for community services. President Fernando in his address reported on the significant growth in the chamber's membership over the past year as the chamber continues to empower Tamil entrepreneurs and professionals right across Australia. New chapters have been opened in both Victoria and Queensland, business networking events have been held throughout Australia, and the chamber has signed memorandums of understanding with both the British and Swiss Tamil association to expand their members' global networks.

In addition to the announcements of the business awards, throughout the evening there were a number of presentations, including by Tharani Jegatheeswaran on women, entrepreneurship and leadership, and Narain Viswanathan on organisational culture and performance. In their presentations, both the Premier and Dr Charlton emphasised the growing importance of entrepreneurship by the Tamil community to the economy and to society as a whole. In the 2021 census, there were 38,446 Tamil speakers recorded in New South Wales. This was an increase of 29 per cent, or 8,765 people, since the 2016 census. This growing community comprises people with a diverse range of professional and employment backgrounds, but all share a commitment to make a successful life in our great State.

Members of the ATCC operate a diverse range of professions, and their dynamic entrepreneurship through promoting local businesses is providing an immense boost to employment and to the New South Wales economy as a whole. In the year ahead, the ATCC is aiming to enhance its digital presence, expand its mentorship network, and advocate for policies that support Tamil businesses. The chamber also established the Tamil Investors Club, which supports its members in raising business funds and is part of their ongoing commitment to fuelling entrepreneurial growth and innovation. I am very honoured to have been invited to the event, and wish the chamber continued success in building a thriving Tamil business community. The enterprise, entrepreneurship and hard work of the Tamil community in New South Wales is an inspiration to us all.

#### SYDNEY SWANS

**The Hon. CAMERON MURPHY (21:54):** I take a very small amount of time to acknowledge that the Sydney Swans are in the grand final on Saturday. Like most people in Sydney, I wish them the best. Whether they are victorious or not, they are a wonderful team. They deserve to win this Saturday against the Lions.

#### SOUTH ASIAN FILM ARTS AND LITERATURE FESTIVAL

**The Hon. MARK BUTTIGIEG (21:54):** I inform the House that last Wednesday in Parliament House I was pleased to host the South Asian Film Arts and Literature [SAFAL] film screening event, which included a screening of *Tara the Singing Anklet*. We were honoured to have the film's subject, renowned dancer Tara Raj Rajkumar, OAM, attend, with Nithya Gopuz Solomon representing the film's producer. The festival was all about the expression of the performing arts and how that contributes to diversity in a multicultural New South Wales. It was fascinating to watch.

It is important that the New South Wales Government continues to support the diverse range of cultures, language and religion that people bring to our country. It makes us a much richer society as a result of giving us a perspective that we might not have had, if we had not embraced multiculturalism. It is extremely important. What better way to embrace and manifest that diversity than through the performing arts. I thank SAFAL for putting holding the event at Parliament House. There was another event held the other night, which I will no doubt give notice of a motion about in due course.

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

**Motion agreed to.**

**The House adjourned at 21:56 until Thursday 26 September 2024 at 10:00.**