

## LEGISLATIVE COUNCIL

**Thursday 26 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.

### *Condolences*

**MR BILL WHITTAKER, AM**

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (10:01):** I move:

- (1) That this House celebrates the life of Mr Bill Whittaker, AM, and mourns his recent passing.
- (2) That this House acknowledges the profound impact Bill had in the fight against HIV and AIDS, and the rights and welfare of the LGBTQI+ community more broadly in Australia.
- (3) That this House notes that:
  - (a) Bill's impact included holding pivotal leadership roles in key organisations including as the first chief executive officer of the AIDS Council of New South Wales [ACON] from 1986 to 1990, president of the Australian Federation of AIDS Organisations (now Health Equity Matters) from 1990 to 1992 and 2000 to 2003; and
  - (b) he also served as president of Mardi Gras in the 1980s, chair of the National Association of People with HIV and AIDS, and president of Positive Life NSW.
- (4) That this House further notes Bill Whittaker's leadership of the government's 2012 HIV Strategy Implementation Committee, which drove the outstanding progress that has been made in HIV and AIDS treatment and prevention.
- (5) That this House also acknowledges the profound impact of Bill's work at an international level, including through his participation in the United Nations Special Sessions on HIV in 2001, 2006 and 2011, as a commissioner with the UNAIDS High Level Commission on HIV Prevention, and as a board member of Pacific Friends of the Global Fund to Fight AIDS, Tuberculosis and Malaria.
- (6) That this House expresses its deepest condolences to the loved ones, colleagues, friends and family of Bill Whittaker.

**Motion agreed to.**

### *Motions*

#### **HABILIS HOUSING**

**The Hon. Dr SARAH KAINE (10:02):** I move:

- (1) That this House notes that:
  - (a) Habilis is a registered charity and values-based initiative to provide serviced housing for the homeless by replicating a model of purpose-built, small-scale clusters of units, and providing services and basic social support that allows residents to remain well and maintain tenancy;
  - (b) on Sunday 26 May 2024, Habilis 1 was opened at Summer Hill;
  - (c) Habilis 1 is comprised of 20 serviced apartments, a caretaker's unit, a clinic, and common areas and gardens for community activity;
  - (d) the Summer Hill complex will allow Habilis to provide housing, continuous medical care and social support for people experiencing homelessness and severe mental illness, to improve their health and wellbeing; and
  - (e) the opening was attended by the Hon. Dr Sarah Kaine, MLC, representing the Hon. Rose Jackson, MLC, Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast.
- (2) That this House acknowledges the work of Professor Olav Nielssen, for both his work as the chairperson of Habilis Housing but also for his many years of work in the mental health sector as a psychiatrist.
- (3) That this House commends the Minns Labor Government for its commitment to both mental health and housing affordability, including its commitment to working with community housing providers, the private sector, and the Commonwealth Government to increase all forms of social and affordable housing across the State and reduce homelessness.

**Motion agreed to.**

**INTERNATIONAL CHILDHOOD CANCER AWARENESS MONTH**

**The Hon. Dr SARAH KAINE (10:02):** I move:

- (1) That this House notes that:
  - (a) September is International Childhood Cancer Awareness Month;
  - (b) according to the Children's Cancer Institute, brain cancer is one of the most common childhood cancers, with about 120 cases diagnosed in children and adolescents each year in Australia, and is also one of the deadliest childhood cancers;
  - (c) the Little Legs Foundation is a small charity that raises funds for awareness and aids the fight to find a cure of brain cancer; and
  - (d) the Little Legs Foundation has committed over \$2 million to research through the Alegra's Army Grant.
- (2) That this House further notes that:
  - (a) on Sunday 8 September 2024, the Hon. Dr Sarah Kaine represented Minister Courtney Houssos, MLC, at the Little Legs Foundation's official Guinness World Record attempt for most people playing the same edition of Monopoly in a single venue;
  - (b) the event was also attended by Mr Mark Coure, MP; and
  - (c) while they did not beat the record, falling short by just 25 people, over 700 people came together for the event.
- (3) That this House acknowledges the work of the Little Legs Foundation in raising awareness about childhood brain cancer and particularly Sue-Ellan and Marino Vasilou, whose daughter, Alegra, lost her battle with brain cancer in 2017 and who consequently founded the Little Legs Foundation as a legacy for her.

**Motion agreed to.**

*Committees***COMMITTEE ON CHILDREN AND YOUNG PEOPLE****Membership**

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

- (1) That the Hon. Scott Barrett be appointed as a member of the Committee on Children and Young People in place of the Hon. Natasha Maclaren-Jones.
- (2) That a message be forwarded to the Legislative Assembly conveying the terms of the resolution agreed to by the House.

**Motion agreed to.**

*Motions***ST ALEXANDER NEVSKY RUSSIAN SCHOOL DEBUTANTE BALL**

**The Hon. JACQUI MUNRO (10:03):** I move:

That this House notes:

- (1) That on 9 August 2024 the St Alexander Nevsky Russian School held its fifty-third annual debutante ball, a longstanding tradition that celebrates the heritage and culture of the Russian community in New South Wales.
- (2) That this House congratulates the St Alexander Nevsky Russian School for its continued success in fostering cultural heritage, particularly through events such as the debutante ball, which highlight the commitment of students, parents and volunteers to their heritage.
- (3) That this House acknowledges the significant contribution of the Russian-Australian community in New South Wales to our multicultural society, enriching the fabric of the State through language, arts and education.
- (4) That this House further notes the attendance and contributions of the following people at the debutante ball:
  - (a) Father Nikita Chemodakov, principal of St Alexander Nevsky Russian School;
  - (b) Mrs Elena Koudriavtseva, director of the Debutante Ball;
  - (c) Mr Mikhail Tsyganov, president of the Parents and Friends Association;
  - (d) the Hon. Tania Mihailuk, MLC; and
  - (e) the Hon. Jacqui Munro, MLC, shadow Assistant Minister for the Arts, Innovation, Digital Government and the 24-Hour Economy in New South Wales.

**Motion agreed to.**

**ARMENIAN FILM FESTIVAL**

**The Hon. JACQUI MUNRO (10:04):** I move:

That this House notes:

- (1) That 16 August 2024 marked the opening night of the Armenian Film Festival, which was established in 2016 to celebrate Armenian culture, history and resilience.
- (2) That this House congratulates the Hamazkaine Armenian Educational & Cultural Society (Shant Chapter) on a successful festival including screenings of 20 films from around the world.
- (3) That this House acknowledges the contribution of the Armenian community in New South Wales made up of approximately 40,000 people in Sydney alone, and the positive role the community plays in our multicultural society.
- (4) That this House further notes the attendance of the following people at the Armenian Film Festival Opening Night:
  - (a) the Hon. Gladys Berejiklian, former Premier of New South Wales;
  - (b) the Hon. Jacqui Munro, MLC, shadow Assistant Minister for the Arts, Innovation, Digital Government and the 24-hour Economy in New South Wales;
  - (c) councillor Trenton Brown, Mayor of the City of Ryde; and
  - (d) Michael Kolokossian, president of the Armenian National Committee of Australia.

**Motion agreed to.**

### **GOLDEN JUBILEE AWARDS GALA DINNER**

**The Hon. MARK BUTTIGIEG (10:04):** I move:

- (1) That this House notes that:
  - (a) on 24 February 2024, Lukla TV and Vision for Motivation hosted the Golden Jubilee Awards Gala Dinner in Mortdale, and the Hon. Mark Buttigieg, MLC, was honoured to attend along with:
    - (i) His Excellency Kailash Raj Pokharel, the Ambassador of Nepal to Australia;
    - (ii) the Hon. Mark Speakman, SC, MP;
    - (iii) Mr Mark Coure, MP;
    - (iv) councillor Ashvini Ambhaipahar, Georges River Council; and
    - (v) Mr Anil Pokhrel, president of the Non-Resident Nepali Association [NRNA].
  - (b) the Golden Jubilee Awards Gala Dinner raised funds for the Vision for Motivation student welfare fund, which supports Nepalese International Students in Australia; and
  - (c) the event included an awards ceremony, lots of great entertainment and acknowledgment of two important figures in the Nepalese community, Dr Narayan Pradhan, considered the first known Nepalese person to migrate to Australia 50 years ago, and Indra Ban, a Nepalese Australian recipient of the Medal of the Order of Australia.
- (2) That this House congratulates Mr Mahesh (Max) Prasai, and the rest of the team and volunteers at Lukla TV and Vision for Motivation for their work advocating for and representing our local Nepalese communities.

**Motion agreed to.**

### **RESOURCEFUL AUSTRALIAN INDIAN NETWORK**

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

- (1) That this House notes that:
  - (a) the Resourceful Australian Indian Network [RAIN] held a fundraiser dinner and dance in Hurstville on 17 February 2024, and the Hon. Mark Buttigieg, MLC, was honoured to attend representing the Premier, the Hon. Chris Minns, MP;
  - (b) since 2006, RAIN has been doing important work connecting seniors in the Indian subcontinent community, with its services including social support and home care;
  - (c) RAIN also runs the MUSTER social enterprise, with MUSTER standing for Mutual Understanding, Support, Tolerance, Engagement and Respect where participating seniors grow and harvest fresh produce, cook and attend workshops as part of the social enterprise; and
  - (d) MUSTER also provides an important opportunity for seniors in the Indian subcontinent community to share and expand their knowledge on growing, harvesting and marketing produce.
- (2) That this House congratulates RAIN on its ongoing service to seniors in the Indian subcontinent community.

**Motion agreed to.**

### **CATHERINE BAILEY**

**The Hon. SCOTT BARRETT (10:05):** I move:

- (1) That this House notes that:

- (a) on 7 September 2024 Catherine Bailey of Panuara represented Australia in the Endurance Horse Racing World Championship in Monpazier, France;
  - (b) of more than 100 competitors, Cath finished nineteenth in difficult conditions including torrential rain, lightning and thunder, which ultimately saw only 45 riders complete the gruelling 160-kilometre course; and
  - (c) Cath's success is all the more impressive when it is considered that, among other things, she is the mother of three primary school aged children, a partner in a successful mixed farming enterprise including horse breeding and training, one of the stars of the Orange City women's cricket team and has completed a Doctor of Philosophy in reproductive efficiency in ewes.
- (2) That this House congratulates Catherine Bailey and her family on her success in France and the many hours of tireless work she puts into representing her community and her country in the world of endurance horse racing.

**Motion agreed to.**

#### *Documents*

### **NSW POLICE FORCE MANAGEMENT AND ADMINISTRATION**

#### **Tabling of Documents Reported to be Not Privileged**

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

- (1) That, in view of the report of the Independent Legal Arbiter entitled *Disputed Claim of Privilege—Police management and administration*, dated Thursday 19 September 2024, this House orders that the Cabinet Office produce within three business days of the passing of this resolution documents received on Wednesday 21 August 2024 from the Cabinet Office, considered not to be privileged by the Independent Legal Arbiter, subject to the redaction only of personal and other information as detailed in the report of the Independent Legal Arbiter.
- (2) That, on receipt, the documents are authorised to be published.
- (3) That, further to the resolution of the House of Wednesday 25 September 2024, submissions, excluding attachments, to the report of the Independent Legal Arbiter entitled *Disputed Claim of Privilege—Police management and administration*, dated Thursday 19 September 2024, are authorised to be published, subject to the redaction of certain information as detailed in the report of the Independent Legal Arbiter.

**Motion agreed to.**

#### *Motions*

### **NATIONAL POLICE REMEMBRANCE DAY**

**The Hon. ROD ROBERTS (10:06):** I move:

- (1) That this House notes that:
  - (a) National Police Remembrance Day is commemorated on 29 September each year, and is the day that police and the community stop and pay honour to those police officers who have paid the ultimate sacrifice while protecting the people of New South Wales;
  - (b) National Police Remembrance Day is observed on the feast day for Saint Michael the Archangel, patron saint of police; and
  - (c) a service of commemoration will be held at 10.00 a.m. on 29 September 2024 in The Domain, Sydney at the NSW Police Wall of Remembrance.
- (2) That this House thanks the brave and committed men and women of the NSW Police Force who work tirelessly to maintain the peace and good order of our State.
- (3) That this House offers its sincere condolences to those who are grieving the loss of a loved one or colleague.

**Motion agreed to.**

### **GENDER-BASED VIOLENCE**

**Dr AMANDA COHN (10:06):** I move:

- (1) That this House notes that:
  - (a) the Young Women's Alliance released its research report entitled *Young Minds, Old Biases: The Gender-Based Violence Crisis*, at New South Wales Parliament on Wednesday 14 August 2024, which found:
    - (i) 90 per cent of interviewed women see sexual violence and/or assault as inevitable in their lifetime (if it had not already occurred), a matter of "when" not "if", expressing that violence is synonymous with womanhood;
    - (ii) significant gender-based disparities in the perceptions of sexuality-related education, with men reporting the education they received on sex and consent as significantly better than that reported by women, exposing a gap between individual preparedness prior to formative sexual experiences;

- (iii) early intervention and education through expert developed, evidence-based, and age-appropriate consent and respectful relationships education was key to minimising gender-based violence in Australia; and
- (iv) a link between early exposure to sexism and gender discrimination in social settings to the development of gender-based violent attitudes and behaviours in young men.
- (b) the Young Women's Alliance report entitled *Young Women's Policy Submission*, which launched at Australian Parliament House on Wednesday 21 August 2024, makes recommendations across 10 areas, including education, health, career, relationships, sex, family and friends, Australian society, political agency, and policy preferences; and
- (c) the reports, funded by the Vincent Fairfax Family Foundation, have identified key areas of risk, as well as points of intervention to prevent snowballing disadvantage for young Australians.
- (2) That this House commends the hard work and advocacy of Alliance members, including CEO and founder Rizina Yadav.
- (3) That this House calls on the Government to work towards eliminating gender-based violence, including through the consideration of research and recommendations made by the Young Women's Alliance.

**Motion agreed to.**

#### *Documents*

### **TABLING OF PAPERS**

**The Hon. PENNY SHARPE:** According to the Electricity Supply Act 1995, I table a report of the Independent Pricing and Regulatory Tribunal entitled *2022-2023 Energy Security Safeguard*, dated July 2024.

### **AUDITOR-GENERAL**

#### **Reports**

**The CLERK:** According to the Government Sector Audit Act 1983, I announce receipt of a performance audit report of the Auditor-General entitled *Supporting students with disability*, dated September 2024, received out of session and published this day.

#### *Petitions*

### **PETITIONS RECEIVED**

#### **Equality Legislation**

Petition strongly urging the Parliament of New South Wales to reject the Equality Legislation Amendment (LGBTIQA+) Bill 2023 and consider the rights and freedoms of all citizens, received from **the Hon. Greg Donnelly**.

#### *Business of the House*

### **POSTPONEMENT OF BUSINESS**

**The Hon. PENNY SHARPE:** I postpone Government business notice of motion No. 4 until the next sitting day.

#### *Bills*

### **FINES AMENDMENT (PARKING FINES) BILL 2024**

#### **First Reading**

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

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

**Statement of public interest tabled.**

#### **Second Reading Speech**

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (10:25):** I move:

That this bill be now read a second time.

The Fines Amendment (Parking Fines) Bill 2024 introduces practical changes to improve the parking fine system and make it fairer, more transparent and aligned with community expectations. Before I detail the bill's provisions I provide some background. The overwhelming majority of parking fines in New South Wales are issued by councils. Historically, the standard practice for issuing parking fines was for councils to issue penalty notices on

the spot. This meant that the actual offence and all relevant particulars were detailed on a ticket left on your car, usually on the windscreen. This approach provided motorists with immediate advice that they had committed a parking offence. That was the case until May 2020, when the former Liberal-Nationals Government introduced the ticketless parking fine system, also known as "print and post", which allowed councils and other agencies to issue parking fines without first giving motorists an immediate notification.

Parking rules are in place to ensure appropriate traffic management and the fair enjoyment of parking spaces. Without immediate notification, too many motorists drive off unaware that they have committed a parking offence and therefore are deprived of the opportunity to collect necessary evidence, including photographs, that would support a dispute of the infringement, should they wish to do so. This is simply unfair and does not meet community expectations of openness and transparency. It needlessly encourages and prolongs disputes over fines and reduces the effectiveness of a fine as a deterrent to further offending. Earlier this year I raised my concerns with councils about the use of ticketless parking fines. In March I wrote to 128 councils outlining my concerns with the ticketless parking fine system and formally requested that councils implement on-the-spot notification of parking offences. I also asked that councils ensure drivers have the opportunity to capture evidence—including photos and details of where they parked—so that motorists have what they need to challenge a fine, if they want to. Timely notifications provide procedural fairness to motorists.

Following my letter, Revenue NSW conducted a comprehensive consultation process with councils. This included a survey of local councils on the methods used to issue both ticketless and ticketed parking fines. I am advised that of 86 respondents, 46 per cent advised that they would not consider leaving an on-the-spot notice in the future, unless the law required them to do so. Responses to the survey indicated significant variance and diverging practices in the issuing of parking fines across New South Wales. It was clear to me that there was an opportunity to uplift standards of all parking fines—both ticketed and ticketless—to ensure more consistency for motorists. Legislation will deliver more consistent rules for motorists across New South Wales, regardless of where they park their car.

I thank the councils that participated in the survey. It was heartening to see some councils have already taken action to provide drivers with immediate notification of the fine. For example, Dubbo council and Griffith council have recently implemented their own on-the-spot notification. We will have the benefit of their experiences as we operationalise these reforms. However, the clear message from several councils that use ticketless systems or propose to do so was that, without legislative change, they would not reinstitute the practice of placing a physical notification on a vehicle.

This legislation is necessary to rebuild community trust in the parking fine system. The Fines Amendment (Parking Fines) Bill 2024 is a measured and appropriate response to community concerns about ticketless parking. It has been informed by extensive consultation. In my very first letter to councils, I made clear the need to protect parking officers in their workplace. While the majority of the public exercise civility, we appreciate that the job of a parking officer is not easy and that they can face challenging situations when discharging their duties. That is why the bill does not require a notification to be left on a vehicle if it is moving or if it is otherwise unsafe to attach a notification to a stationary vehicle. That provision means that the bill appropriately balances public interest considerations in respect of procedural fairness with the safety of officers. This does not have to be a zero-sum proposition.

In this context, I also emphasise that significant penalties apply for offences that involve assaulting or intimidating someone issuing a parking fine. Under the Crimes Act 1900, common assault carries a maximum penalty of imprisonment for two years. An assault that results in actual bodily harm, which includes injuries like cuts and bruises, carries a maximum penalty of imprisonment for five years. An offence of intimidation under the Crimes (Domestic and Personal Violence) Act 1999 also carries a maximum penalty of imprisonment for five years. These are serious offences and committing any of them may result in a jail sentence.

In addition, under the Crimes (Sentencing Procedure) Act 1999, it is an aggravating factor on sentencing if the victim of such an assault or intimidation was a council law enforcement officer and the offence arose because of the victim's occupation. It is also an aggravating factor under the same Act if the victim was vulnerable for reasons that include their occupation. We have undertaken extensive consultation with stakeholders at various junctures of the policy development process. That has included consultation with the United Services Union, all 128 councils across New South Wales, Local Government NSW, the NRMA, the Law Society of New South Wales and Community Legal Centres NSW. Those consultations have informed the development of the bill.

I move to the bill's key provisions. In summary, the bill's proposed amendments will require authorised officers of local councils and other issuing authorities to attach an on-the-spot notification of a fine on the offending vehicle, except in certain limited circumstances where it is unsafe to attach a notification, or the vehicle is parked in a prescribed parking zone, or the vehicle is not stationary, or the regulations permit a notification not to be attached. It will require authorised officers, should they rely on an exception, to make a record of why a

notification was not left and why the officer concluded that the exception applied in the circumstances. They must then provide that reasoning to Revenue NSW or the driver upon request. It will require issuing agencies to report on and publish the reasons why notifications were not left and on the use of exceptions. It will require photographs of all parking offences and photographs of the notification attached to the vehicle. Those must be provided upon request to Revenue NSW or the driver.

The bill will prohibit a fine being issued for a parking offence if a fine for the same kind of offence was issued within the previous seven days for the same vehicle in the same or similar location, and no notification was placed on the vehicle for the earlier offence. It will require parking fines to be issued no later than seven days after the parking offence if notification is not left on the vehicle. It will allow the Minister for Finance to prescribe regulations to provide exceptions to the notification and image requirements. The bill will also provide for the circumstances in which noncompliance with the bill's requirements will result in the invalidation of a fine. The reforms will apply to councils, New South Wales government agencies and universities. Acknowledging their unique operating requirements, these changes will not apply to police officers.

I now speak about each of these measures in further detail. Firstly, I turn to the proposed on-the-spot notification provisions at new sections 24AC and 24AD. These provisions will mandate that authorised officers of local councils and New South Wales government agencies who issue parking fines place notification of a fine on the offending vehicle, except in certain circumstances. The requirement to issue an on-the-spot notification is the default position, but we recognise that attaching a notification will not be practicable or appropriate in certain circumstances. At new section 24AD, the bill provides that a notification will not need to be left on the vehicle where it is not safe to leave a notification, or the vehicle is not stationary, or the vehicle is parked in a prescribed zone that complies with the requirements of the regulations, or the regulations provide that it is not necessary to leave a notification. These provisions are pragmatic exceptions that are intended to apply in very limited circumstances.

New sections 24AD (1) (b) and 24AD (6) create an exception for prescribed parking zones. These provisions will operate in conjunction with new section 24AD (1) (d). Prescribed parking zones will require signage that complies with requirements of the regulations, including but not limited to the wording, size, colour, location and positioning of the signage. This will warn drivers that they are parking in an area where a notification of the issuing of a penalty notice for a parking offence may not be attached to a vehicle.

Let me be crystal clear. Issuing authorities will not be able to invoke the prescribed parking zone exception by simply erecting a sign. Even if that signage meets requirements in respect of wording, font, size, colour or positioning, the signage alone is insufficient to deem a parking area a prescribed parking zone. The signage alone does not magically convert a parking area into a prescribed parking zone. The regulations will specify requirements other than signage that will need to be fulfilled for a parking area to be designated as a prescribed parking zone. The prescribed parking zone exception will apply to a limited number of parking zones described in the regulations—for instance, enclosed parking areas that use licence plate recognition technology and in national parks with limited mobile phone connectivity.

I am determined to safeguard the integrity of these reforms. While the above exceptions are appropriate, we need to ensure they are applied as intended and not misused. The public would expect no less. The bill therefore contains a range of checks. One of these is the requirement under new section 24AD that, where a parking officer invokes one of the exceptions, they must record their reasons as to why and provide these to the head of the issuing agency. If an appropriate officer does not issue a notification because an exception applies, they will need to make a detailed record about why the officer concluded that the exception applied in the circumstances.

For example, if the officer considers that placing a notification poses a danger to safety, such as where a motorist may be behaving in a threatening manner, the officer must record why they concluded the situation was unsafe. It will be insufficient for the officer to simply state "unsafe". They must clearly outline the material facts and circumstances warranting reliance on any available exception. A failure to meet those requirements will invalidate the fine. If requested, an issuing agency will need to provide the reasons for not leaving a notification to Revenue NSW or a person who is required to pay an amount under a penalty notice for the offence. Issuing agencies will also be required to report on and publish the reasons why notifications were not left. I will provide further detail on those data reporting requirements later.

The timeliness of notifications is a key issue that this legislation is addressing. Too many parking fines are received weeks after the offence, leaving drivers in the dark and unable to correct their behaviour. Under new section 24AE, parking fines will need to be issued no later than seven days after the offence if a notification was not left on the vehicle. Issuing the originating fine outside of time will invalidate the fine. A fine that is re-issued where liability is transferred, for example, will not be subject to this requirement.

One of the issues that concerned me in the responses received as part of the Revenue NSW survey was the inconsistency in the collection of photographic evidence of a parking offence. While many councils already take photographs of offences, the intention of this bill is to formalise that process and ensure that drivers have access to those photographs. This provision will ensure that drivers, should they request it, have access to images of the parking offence. This is especially important to enable motorists to exercise their rights of review or contest the fine in court. Those provisions will apply to all parking fines that are issued across New South Wales.

New section 24AF requires that photographs be taken of the offence and any notification left on the vehicle. If a notification is not required to be left, the authorised officer must, as far as reasonably practicable, take images that show why the notification was not required to be attached to the vehicle. Those images are required to be retained and provided to Revenue NSW or to the driver upon their request. If photographs are not taken as required then, at the very least, Revenue NSW may take that into consideration when undertaking an internal review. In other circumstances, which I will detail, the failure to take photographs may invalidate a fine.

Perhaps the most egregious manifestation of the shortcomings of the current ticketless parking fine system is that motorists can be fined in the same location for the same offence on consecutive days without any knowledge that they have been fined. That is a totally shocking and unacceptable practice that requires immediate remediation. It undermines public confidence in the fines system, fails to serve as a deterrent and, put simply, is grossly unfair. It does not permit the driver to course-correct their behaviour before receiving the subsequent fines. With that in mind, new section 24AG of the bill prohibits a fine being issued for a parking offence if a fine for the same kind of offence was issued within the previous seven days for the same vehicle in the same location, occurred on the same length of road between the same cross streets or in the same car parking area, and no notification was placed on the vehicle for the earlier offence. Invalidating unfair fines will help restore public trust.

As I mentioned earlier, under this bill fines will be invalidated if there is a serious failure to comply with the bill's provisions. The Government considers that a contravention of the requirements to both leave a notification and to take photographs where there is no exception to do so is serious enough to warrant invalidating the fine. That will remove the possibility of instances where drivers have both no immediate notification of a fine nor any images of the offence taking place. We consider that lack of detail to be unacceptable and unfair. Further, a failure to record the reason for not leaving notification will also invalidate a fine. The bill also introduces data reporting rules that will require issuing authorities to prepare and publish reports on reasons relied upon to not provide an immediate notification. Reporting on the use of exceptions will not only increase accountability but also help evaluate the success of these measures and see what opportunities there are for future reforms.

The bill makes provision for the development of regulations to address operational matters, including but not limited to designating prescribed parking zones as well as setting requirements in respect of signage, including wording, font size, colour and location of signage. That will give drivers sufficient advance warning that they are in an area where a notification of the issue of a penalty notice for a parking offence may not be attached to a vehicle, for instance, in enclosed parking areas that use licence plate recognition technology and in national parks with limited mobile phone connectivity. The bill also makes provision for the development of regulations to address the content, manner and form of data reporting requirements and reasoning in respect of the exercise of the use of exceptions; particulars that need to be contained in written notifications other than penalty notices; and other grounds for not providing an on-the-spot notification or taking images of the offence.

We will work with councils and other issuing agencies in the development of the regulations. We recognise that issuing authorities may require some time to adjust to the new requirements. The legislation will not commence immediately. However, nothing stops councils and issuing authorities from placing a notification on offending vehicles today. Supporting regulations need to be developed before the bill's provisions are operationalised and a reasonable time frame for commencement will be set. However, let me stress that the changes in the bill are a priority for this Government.

This bill is a significant package of reforms that will improve public trust and confidence in the parking fine system. They are important and commonsense changes to improve transparency and fairness for drivers and the community. This bill will drive behavioural change, ensure consistent rules for drivers across the State, increase public accountability and transparency, and ensure that justice is done and seen to be done. I thank all of the stakeholders who have been involved in the development of this policy and all of the members of the community who have raised concerns about the lack of transparency in the ticketless parking fine system. I commend the bill to the House.

**Debate adjourned.**



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

**The Hon. TARA MORIARTY:** I postpone Government business notices of motions Nos 2 and 3 until a later hour of the sitting.

*Bills***POLICE AMENDMENT (POLICE OFFICER SUPPORT SCHEME) BILL 2024****Second Reading Speech**

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (10:46):** I move:

That this bill be now read a second time.

The Government is pleased to introduce into Parliament the Police Amendment (Police Officer Support Scheme) Bill 2024, which amends the Police Act 1990 and the Personal Injury Commission Act 2020. The bill enables a comprehensive police officer support scheme for police officers who die or become permanently or temporarily incapacitated for work. Put simply, the bill provides a safety net of payments for police officers who need it most. New South Wales police officers will be covered for on- and off-duty injuries, with the scheme ensuring that support will be provided when officers need it most.

The Parliament is all too aware of the courageous and often dangerous work that police officers undertake in the course of their duties. Sometimes that work can have fatal or catastrophic consequences. When we run away from danger, police run towards it, sometimes causing them injury or worse. That is why it is imperative that we have an enhanced workers compensation support scheme that looks after officers if they have been hurt. The introduction of this bill provides the legislative change needed to modernise the current Police Blue Ribbon Insurance Scheme [PBRI]. The bill amends part 9B, "death and disability", of the Police Act 1990. Currently, police officers contribute 1.8 per cent of their remuneration towards the PBRI, which consists of a nine-month waiting period on full pay, followed by up to seven years of income protection at 75 per cent of salary, with offsetting for other income, including workers compensation for on-duty injury; two years income protection for an off-duty injury; and death, total and permanent disability, and terminal illness cover.

The scheme is over a decade old and is no longer fit for purpose. The intent of this bill is to allow for modernisation of the scheme. One of the reasons we need to modernise this scheme is to fix the concessional superannuation cap problem for New South Wales police officers. I acknowledge the advocacy of the Police Association of New South Wales, which has continued to raise the issue of concessional caps with this Government and the Federal Government. That is the result of a multi-year campaign on behalf of its members, who number around 16,000 police officers across the State.

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

**Leave granted.**

Under the current PBRI, insurance premiums to protect officers if they get sick or injured at work are paid by the Government, alongside a small officer contribution of 1.8 per cent of their salary. The amount is paid into each officer's superannuation account, which is immediately transferred out to the insurer. When the Australian Tax Office [ATO] looks at each officer's income, they count the extra super contributions made for their insurance as income. This has meant that police officers' incomes are consistently artificially inflated, making them look higher than their actual income. In fact, many police officers end up breaching high-income thresholds that cut them off from benefits that they may be entitled to, including loss of means-tested Commonwealth benefits, such as health rebates, childcare rebates and parental leave—entitlements shared by every other Australian dependent on income—and loss of family tax benefits.

Officers receiving child support payments from a former partner are severely penalised, as the level of child support is set according to inflated income which counts contributions for the PBRI. Officers' superannuation accounts are inflated by PBRI contributions so that they breach the cap on concessional superannuation tax rates. This means that their normal super contributions are taxable at a higher rate. Officers receive large tax bills from the ATO for just doing their job and receiving normal employer super contributions. Officers are unable to save for retirement by making additional super contributions, making New South Wales police the only workers in Australia denied the right to do this at the tax rate shared by all other Australians.

The new police officer support scheme, to be known as the Enhanced Police Support Scheme, will fix these critical problems for New South Wales police officers and ensure that our system is best structured to support injured workers. By moving away from an insurance product arrangement, there is now a unique opportunity for a new and positive approach that supports police officers to recover after they have been injured. It also allows for closer involvement with the NSW Police Force to facilitate return-to-work outcomes and support early intervention. Taking care of sick and injured officers is my—and the NSW Police Force's—top priority, and this new scheme is a critical step towards that.

The amendments included in the bill will enable the PBRI products to be replaced by a new scheme. Importantly, the bill will enable the income protection insurance product to be replaced by one that does not have adverse tax implications for New South Wales police officers. It will also allow officers to salary sacrifice more to superannuation without administrative burden or impacting access to government benefits. The new scheme will also streamline support for all injury management claims, improve support for recovery and return to work, and provide an improved safety net to support officers and their families. This bill is intended to enable on- and off-duty payments and death cover for officers who die or become temporarily or permanently incapacitated for work. It is expected that the associated regulations will provide a similar income protection benefit to the PBRI by providing a weekly compensation top-up payment to officers to specified levels over different benefit periods. The benefit periods will include a payment of 100 per cent of a police officer's ordinary rate of pay for the first nine months and up to 75 per cent of salary, as well as a 17 per cent loading for non-commissioned officers, for up to seven years.

Additionally, there will be a provision for a catastrophic or exceptional extension payment [CEEP] in certain circumstances that provides up to an additional three years of payments, providing benefits of 75 per cent of the officer's salary, as well as a 17 per cent loading for non-commissioned officers. Officers who suffer the most catastrophic or exceptional injuries will be covered by the CEEP. Parameters for the CEEP payment, including definitions of "catastrophic" and "exceptional", will be set out in the regulations. Furthermore, the current off-duty income protection is intended to be enhanced from two years to three years, with death benefits continuing on current policy terms, paid via Aware Super.

I turn to the details of the bill. Most significantly, the bill amends part 9B of the Police Act, enabling the creation of the police officer support scheme. It outlines the provisions for the scheme, which include providing payments to or in relation to police officers who die or become incapacitated for work, and provides that the police officer support scheme is approved by the Minister with the concurrence of the Treasurer, set out in proposed section 199B. These payments will be top-up payments to workers compensation, aligned to workers compensation determinations. As with the PBRI, the scheme requires contributions from police officers to partly fund the scheme, outlined under proposed section 199C.

Proposed section 199D allows for regulations to be created in relation to the support scheme, including requirements for its structure, eligibility for payments and contributions, dispute resolution procedures, sharing of information, monitoring and reporting. It also provides for regulations regarding the obligations of the commissioner, police officers and former police officers in relation to the rehabilitation, retraining and redeployment of incapacitated police officers and former police officers. The bill will also enable regulations to allow for the Auditor-General to monitor and report on the success of the scheme to ensure that it delivers for injured officers and supports officers to return to work, wherever possible.

Section 199E of the proposed part outlines that the scheme does not apply to a police officer who is a contributor to certain superannuation funds or a police officer who is not a contributor to the scheme. Proposed section 199F provides additional functions for icare NSW under section 10 of the State Insurance and Care Governance Act 2015 to include conducting reviews of decisions made under regulations under this part. Division 4 of the bill also confers jurisdiction and functions on the Personal Injury Commission to hear and determine applications regarding disputes and appoint medical assessors. This enables review by an independent umpire who has expertise for disputes regarding weekly compensation payments. Disputes may be appealed to a presidential member and then to the Court of Appeal. Schedule 2 to the bill accordingly amends the Personal Injury Commission Act 2020 to create a new Police Officer Support Scheme Division, which sets out the composition of the division along with its functions.

Division 5 of the bill proposes section 199K. For the scheme to be operable, it needs to ensure that information can be shared between the parties that need to process and administer claims and payments, including icare, its agents, police, the Personal Injury Commission and medical practitioners. That moves us towards a scheme where the Government can work more closely with injured workers to assist in their rehabilitation. That is a vast improvement on the current PBRI scheme. Transitional arrangements will mean that a police officer's injury will be covered by one of the schemes, but not both. Schedule 4 provides that, if a police officer receives a payment as a result of the former insurance policy and under the police officer support scheme in relation to the same injury, the police officer must repay the amount of the payment under the police officer support scheme.

There has been extensive consultation with the Police Association of New South Wales over the past 12 months on the redesign of the PBRI scheme. I thank the association for its hard work, expertise and collaboration. I particularly thank President Kevin Morton, as well as Tony Bear, Pat Gooley, Kirsty Membreno, and Tony Howell. They have fought long and hard to take this support scheme out of superannuation. I look forward to continuing to work closely on the scheme as it is implemented in the coming days, weeks and months.

The bill has also been informed by feedback from a government steering committee, including representatives from Treasury, the Cabinet Office, icare, the NSW Police Force and the State Insurance Regulation Authority. Further consultation has taken place with the Premier's Department, the Personal Injury Commission and Aware Super. Additionally, Aware Super has issued a significant event notice outlining the changes to its members' coverage as required by law. Crucially, the bill will enable a sustainable, fit-for-purpose scheme that can continue to meet the needs of injured police officers. It is a scheme for now and the future. The NSW Police Force will continue to communicate with its members about the transition and the new scheme.

I commend the bill to the House.

## Second Reading Debate

**The Hon. SUSAN CARTER (10:49):** I lead for the Opposition in debate on the Police Amendment (Police Officer Support Scheme) Bill 2024. It is a very important bill. It seeks to ensure that the insurance scheme that protects our police officers works properly and is free from unintended—and expensive—consequences. It amends part 9B of the Police Act 1990 to specifically address the provisions for death and disability cover for police officers. It is designed to take effect from 1 October 2024. I note at the outset how refreshing it is to deal with Government legislation with a clear and proximate commencement date.

Policing is undeniably a dangerous career, and our men and women in blue deserve to be protected should they get injured. When attending an incident or tackling crime, the last thing a police officer should have on their mind is "Am I covered if this goes wrong?" We ask our police to engage with the most dangerous people and

situations in our community and they deserve adequate protection, as well as our enduring thanks. The current Police Blue Ribbon Insurance [PBRI] scheme, a compulsory insurance cover paid via Aware Super, provides essential coverage for death, terminal illness, total and permanent disability, and income protection. However, issues have been identified with the operation of the scheme, which has been expensive for police officers.

Premium payments, paid through Aware Super, have caused officers to breach superannuation concessional tax caps, resulting in additional tax assessments and, in some cases, a reduction in eligibility for government benefits such as childcare rebates. The new Enhanced Police Support Scheme [EPSS] introduced by the bill, developed in consultation with the Police Association, aims to address those issues. The EPSS promises to streamline support for injury management claims, improve recovery and return to work support and provide an improved safety net for officers and their families. It offers weekly workers compensation and supplementary support payments for eligible officers injured on duty for up to seven years, with the possibility of extension for an additional three years in cases of catastrophic or exceptional circumstances.

Despite the apparent improvements, the announcement of the EPSS has caused significant concern among police officers. Since the announcement on 19 August, over 300 officers have gone off on sick leave using the old Police Blue Ribbon Insurance scheme or left the force entirely. That is a clear indication of the communication breakdown between the Police Association and the Government, with members feeling dismissed and unsupported by the Government. It is simply a fact that the Minns Labor Government promised, before the 2023 election, to continue the Police Blue Ribbon Insurance scheme in its original form. The Premier signed up to the commitment before the election, and the Minister for Police has repeatedly claimed that the Police Blue Ribbon Insurance scheme would be retained. Yet that promise has been broken.

Our police officers, who were already feeling unsupported by the Government, now feel betrayed. As if the staffing shortage was not bad enough, over 350 officers have now walked off the job since the announcement. The State is already 2,279 officers below authorised strength and, over the past nine months, we have lost 1,000 police officers under Labor. Those figures come from the police Minister in recent budget estimates hearings. The staffing shortfall has doubled under Labor and morale within the force is at an all-time low. Police Association members have shared with us their confusion and frustration over the new scheme's definitions for catastrophic and exceptional injuries because it is not clear if or where psychological injuries are included. We know that that is a growing category of injuries to workers. We have not been told whether this definition will be covered by the regulations.

The Minister, in her reply, read out the definition but did not discuss the actual question of how it applies to psychological injuries. It is not clear that she understands the issue that police are raising. While the new scheme addresses some tax and concession cap concerns, many questions remain unanswered and the regulations of the new scheme are still unclear. That leaves officers worried that they may not receive the benefits they deserve when seeking support after injury. Perhaps all of our officers will receive the benefits they need under the new scheme, but the Government has not told us or police officers whether that is the case. Either this Government is bad at communication or there are serious flaws that it wants to paper over. Both options are distressing for our officers.

New South Wales police officers put themselves in harm's way every day to keep us safe. They face unpredictable situations and put their safety on the line for our wellbeing. In return, they expect—and they are entitled to expect—that the Government will stand by them and provide them with the necessary support and protection they deserve. They do not deserve broken promises. The Opposition will not stand in the way of an insurance scheme for the State's police officers because we value the work that they do. We are happy that it addresses the unintended consequences that resulted in an effective tax penalty for our police. However, we share the disappointment of the police that the bill represents yet another broken election promise by the Minns Labor Government. We do not associate ourselves with the disrespect shown to our hardworking police officers by this Government. Enhanced or not, the EPSS is not what police officers were promised. Therefore, while we support the bill, we do so with a heavy heart, knowing that it falls short of what was pledged.

**Ms ABIGAIL BOYD (10:56):** On behalf of The Greens I contribute to debate on the Police Amendment (Police Officer Support Scheme) Bill 2024. We will not be opposing the bill. The bill establishes the legislative framework to follow through on the police Minister's announcement on 19 August of a new scheme to be called the Enhanced Police Support Scheme to replace the Police Blue Ribbon Insurance [PBRI] scheme, and introduces changes to total and permanent disablement coverage for officers. The history of the scheme is a pretty messy one. In 2005 it was agreed that police needed a level of financial security beyond normal workers compensation to recognise the particular acute danger that they would sometimes find themselves in. That created a regime where a death and disability scheme was negotiated as an award condition for police.

In 2011 a new scheme was foisted upon police officers without adequate consultation and while 5,000 uniformed police officers marched outside this Parliament in protest, the scheme was ripped away as a right

and as an award entitlement and replaced with an outsourced and dramatically reduced insurance product. The PBRI is, in essence, a total and permanent disability insurance product. TPD insurance products provide financial protection if someone becomes permanently disabled and is unable to continue working in their usual or qualified occupation, with benefits typically paid out as a lump sum in order to assist the recipient in navigating the changed circumstances of their living arrangements as a result of the disability.

TPD insurance is often included as default cover in superannuation funds and it was decided that the New South Wales Government would purchase the TPD insurance product for New South Wales police officers through Aware Super, with police contributing 1.8 per cent of their salary and the Government paying the rest. What that has ended up meaning across the scheme's years of operation is that the insurance premiums for the PBRI have washed through the superannuation accounts of police officers. That has resulted in artificially inflated officer salaries, leaving them with resultant excessively large tax bills each year.

The Federal Government had previously reimbursed the tax implications of the arrangement so that police officers were not left directly worse off, following a lengthy and complicated reimbursement process. However, Australian Taxation Office tax notices encouraged officers to withdraw money from their superannuation accounts to pay their tax bills and members not aware of reimbursement entitlements may have made that error. Officers were also discouraged from making voluntary contributions to their superannuation because the large PBRI premiums would consume much of their concessional cap. The reimbursement process would then falsely inflate their income, leaving them locked out of means-tested support entitlements like Medicare levies and private health rebates, child support, childcare rebates, carer allowances and reduced prescription medication costs.

The reason for insurance premiums to go through superannuation was to avoid the imposition of fringe benefits tax, but it has still left officers with this unfortunate arrangement. The Federal Government has made the decision that it is not willing to continue the reimbursement process long term as PBRI insurance premiums continue to grow at an increasing rate. It was for these reasons that it was considered necessary to reform the ill-suited PBRI regime. The bill proposes to replace that scheme with the Enhanced Police Support Scheme, a self-managed insurance scheme nominally managed and operated by the NSW Police Force and administered through icare and the Treasury Managed Fund. What could possibly go wrong?

The justifications given for why it is preferable to have the scheme administered in-house are sound. It should immediately reduce the cost of the scheme by removing the profit margins that existed when the scheme was administered by a private company. Importantly, the experience of injured officers receiving support payments will be streamlined from having to engage with the NSW Police Force, the workers compensation insurer and the income protection insurer. The payment of support payments will now be handled by the NSW Police Force, which is one less point of contact that officers need to navigate.

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

*Members*

**THE HON. PETER PRIMROSE**

**THE HON. SUSAN CARTER**

**The PRESIDENT:** I inform the House that today is a special occasion, the birthday of our esteemed Assistant President, the Hon. Peter Primrose. On behalf of all members of the House I extend warm birthday wishes to you.

**The Hon. Damien Tudehope:** I also acknowledge that it was the birthday of the Hon. Susan Carter yesterday.

**The PRESIDENT:** I wish the Hon. Susan Carter a happy birthday for yesterday.

*Announcements*

**JIMMY BAI**

**The PRESIDENT (11:00):** I congratulate Jimmy Bai, adviser to the Treasurer, who today welcomed his daughter Meadow Bai-Phipps to the world at 6.56 a.m.

*Questions Without Notice*

**ELECTRICAL TRADES UNION INDUSTRIAL ACTION**

**The Hon. DAMIEN TUDEHOPE (11:00):** My question is directed to the Minister for Energy. Does the Consumer Energy Strategy provide for the use of diesel generators by home owners and small businesses unable

to connect to their local electricity network due to industrial action by the Electrical Trades Union [ETU]? If not, when will the Government make an application under section 424 of the Fair Work Act—

**The Hon. Daniel Mookhey:** You just want us to put section 424s in every day.

**The Hon. DAMIEN TUDEHOPE:** You have no concept of the economic damage to the State.

**The PRESIDENT:** Order!

**The Hon. DAMIEN TUDEHOPE:** I should not respond to interjections, Mr President.

**The PRESIDENT:** No, you should not.

**The Hon. DAMIEN TUDEHOPE:** But the Hon. Daniel Mookhey's interjection was pretty provocative, quite frankly. When will the Government make an application under section 424 of the Fair Work Act to protect the New South Wales economy from the significant damage being caused by the Electrical Trade Union's ongoing and widespread industrial action? I am sure that the Treasurer will support that action.

**The Hon. Daniel Mookhey:** Ask me a question about it.

**The Hon. DAMIEN TUDEHOPE:** If you would not mislead the Parliament, I would.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:01):** Is the Hon. Damien Tudehope ready for the answer to his question?

**The Hon. Damien Tudehope:** Yes.

**The Hon. PENNY SHARPE:** Good. Welcome back. There was quite a bit in that question; I was wondering where it was going. I will endeavour to answer the question rather than debating it. The short answer about whether diesel generators are in the Consumer Energy Strategy is no. There are 50 actions in the Consumer Energy Strategy, and I highly recommend that all members have a read of it to see what it is going to do to support households and businesses to reduce their electricity bills and help us stabilise the electricity grid. Households will be able to be part of the decarbonisation of our electricity grid while saving a lot of money and ending up with a house that is more efficient and cheaper to run. There are huge opportunities in the Consumer Energy Strategy, but diesel generators are not a part of that.

The issues with the Electrical Trades Union [ETU] have been well canvassed and are well known. I refer the Hon. Damien Tudehope to comments I made this week about what happens when unions and workers negotiate with their employers about pay and conditions. This is not an unusual process; it is the way these things work. I am aware that the ETU is currently before the Fair Work Commission to work through the issues with both Transgrid and Endeavour Energy. Bargaining has commenced and is being worked through in the normal way. I do not have much more to add to this other than repeating what I said previously, which is that we want employers and employees to come to an agreement as soon as possible. We want people to participate in the process in good faith, which is what is occurring here. The Opposition is calling on the Government to intervene in a system that was, basically, wholly privatised by those opposite, which has not helped.

**The Hon. DAMIEN TUDEHOPE (11:04):** I ask a supplementary question. Is anyone in the Government, perhaps even the Treasurer, measuring the total impact on the New South Wales economy of the widespread and persistent industrial action of the Electrical Trades Union?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:04):** If the Hon. Damien Tudehope wants to ask the Treasurer a question then he should ask him, rather than a supplementary question directed to me. I am happy to talk about the record if the member wants to talk about it. The public sector hours lost to industrial action was 154 times higher under the former Government.

**The Hon. Damien Tudehope:** Over what period?

**The Hon. PENNY SHARPE:** Does the Hon. Damien Tudehope want to hear the answer or not? I have some good numbers here. In the 18 months prior to the March 2023 election, there were 907,789 work hours lost. Nearly one million hours in the public sector were lost to industrial action in that period. We are keeping track of those figures. The latest figures show that since we came to Government, 5,860 working hours have been lost. I am not quite sure whether the ETU action would be included in that figure because its members are not actually in the public sector. Again, we are dealing with a system that was privatised by the Opposition.

**The Hon. Damien Tudehope:** The ETU action has an impact on the New South Wales economy. Think about it.

**The Hon. PENNY SHARPE:** Move a motion.

**The PRESIDENT:** Order! The Leader of the Government and the Leader of the Opposition will come to order.

### ENERGY SAVINGS SCHEME

**The Hon. PETER PRIMROSE (11:05):** My question without notice is addressed to the Minister for Energy. Will the Minister update the House on the energy savings and emission reductions achieved under the Energy Savings Scheme?

**The Hon. Damien Tudehope:** Sounds like diesel generators to me.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:06):** It is disappointing that members opposite feel so challenged by the good work that is being undertaken. I am about to update the House on energy savings and emissions reductions that occurred in financial year 2022-23, meaning those very good results are jointly owned by both the current and previous governments. Those opposite are cranky that people are making savings on their bills. The Energy Savings Scheme is a program that delivers \$1.7 billion of incentives to New South Wales residents and businesses. Those incentives are accessible to anyone who performs eligible energy saving upgrades, such as swapping out to get a heat pump or installing efficient lighting. People can upgrade the appliances in their household not only to drive down their bills but also to receive a subsidy to install the devices. This also helps people reduce their emissions. The scheme is going very well.

Today I tabled the annual report of the Independent Pricing and Regulatory Tribunal, which highlights the ongoing success of this program. To give credit where credit is due, this report looks at the year 2022, when the scheme was overseen by the previous Government. The scheme was established by Labor in 2009 and, luckily, has survived until now. It is beginning to make a big difference. The Energy Savings Scheme saved over 4,000 gigawatt hours of energy, which is equivalent to the annual energy use of 700,000 households. That is almost three-quarters of a million households worth of energy use avoided in one year alone. Across the lifetime of the scheme, from 2009 to 2022, it cumulatively saved about 12 times as much energy and achieved around \$11.9 billion in bill savings. It has avoided 23 megatons of greenhouse gas emissions, which is equivalent to removing over 700,000 cars from our roads over the 13-year period.

A similar scheme for peak-demand reduction was introduced off the back of this program in 2022. Again I congratulate members opposite, who were involved in its establishment. The Peak Demand Reduction Scheme provides financial incentives for households and businesses to undertake activities that reduce electricity demand in peak times, like summer afternoons. I look forward to 1 November, when we commence subsidies for people to install household batteries. The scheme also assists people with installing items like efficient air conditioners and household batteries and equipping businesses with solar. People can get in front of the decarbonisation of the energy grid, help us to reduce emissions and also save a lot of money. These programs are important, and I am pleased to report to the House on their success.

### COMMONWEALTH EDUCATION FUNDING

**The Hon. SARAH MITCHELL (11:09):** My question is directed to the Treasurer. In January 2023, the Premier said in relation to reaching 100 per cent of the Schooling Resource Standard, "We'd like the Commonwealth to put in 25 per cent. If it doesn't and it stays at 20, we'll make up the difference." Given that the Government has formally rejected the Commonwealth's offer of 22.5 per cent, will the Treasurer confirm that the Government will honour the commitment to make up the difference and fund all schools to 100 per cent of the Schooling Resource Standard?

**The Hon. DANIEL MOOKHEY (Treasurer) (11:09):** I thank the Deputy Leader of the Opposition for her question. The Government is committed to making sure that every single public school gets every single dollar that was promised to them as a result of the Gonski changes that were introduced back in 2012. In addition, I am pleased to report that in the first two budgets of the Minns Labor Government, we have made more progress in getting public schools in New South Wales to a minimum part of their standards than was made by the former Government in the intervening period. To be very clear, we are now at 75 per cent of the Schooling Resource Standard because the Government made two big injections into the public education budget. We make no apologies for that, because every kid in a public school deserves those minimum resources.

The member is quite right to identify that we are in a conflict with the Federal Government over the balance of the remaining share. Our intention is to make sure that the Federal Government also meets its promise to fully fund public schools. The fact that the Federal Government has made that point aggressively prior to and through the course of its term in office means that we will stay at the table with them. We make no apologies for saying

no to an agreement that would have left New South Wales kids disadvantaged. I note—and I am sure the member is paying close attention to the debate and also knows—that the same position has been adopted by the Victorian, South Australian and Queensland governments.

As to what should happen in the event that we do not reach agreement with the Federal Government, which is where the member's question comes from, I simply make the point that it is very premature to reach judgement on that. As I have said before, we are prepared to be the last State standing when it comes to making sure that New South Wales public school kids get what they were promised. We will continue to argue the case nationally, and to make the point that more progress has been made by this Government in just two years to get the public school kids of New South Wales their Schooling Resource Standard, than happened under the failed policies of the failed former education Minister, who asked me this question.

**The Hon. SARAH MITCHELL (11:12):** I ask a supplementary question. That was an extraordinary answer from the Treasurer. If only Hansard could record irony. The Treasurer said in his answer that the Government is committed to getting every single dollar to schools to get to 100 per cent of the Schooling Resource Standard. Will the Treasurer confirm whether or not this year's budget includes funding to ensure all schools are funded to 100 per cent and, if not, when is it going to happen?

**The Hon. DANIEL MOOKHEY (Treasurer) (11:12):** In response to the question from the failed education Minister—

**The Hon. Sarah Mitchell:** Point of order: I take offence to what the Treasurer said. He is normally better than that. It is a serious question about school funding. Reflections on me are not appropriate and I ask that he withdraw his comment.

**The Hon. Courtney Houssos:** To the point of order: The member asking the question started by making a reflection on the Treasurer's response, which is unparliamentary and should not be included in a supplementary question. She then took offence when the Treasurer fired back. The member asking the question has to be aware of the scene that she is setting when she asks a question in that manner.

**The Hon. Damien Tudehope:** To the point of order: There is a vast difference between a personal reflection and a reflection on the quality of an answer.

**The PRESIDENT:** I have sympathy with the points made by Opposition members. I do not think the Deputy Leader of the Opposition was being helpful in the way that she began her question. That being said, she took offence and I think it would be helpful for the House if the Treasurer withdrew his comment.

**The Hon. DANIEL MOOKHEY:** I withdraw. But I make the point that the former education Minister achieved no improvement for the Schooling Resource Standard contribution from the Commonwealth or the New South Wales Government. I do not begrudge the former education Minister failing to convince the Morrison Government, but failing to convince her own Government—

**The Hon. Sarah Mitchell:** Point of order: My point of order is on relevance. I asked a very specific supplementary question. I would like to know whether this Government has funding in this budget for all schools to be funded to 100 per cent, and when it will happen. He needs to answer the question that I have asked.

**The PRESIDENT:** The scope of the question was quite limited. I am sure the Treasurer is coming to it now.

**The Hon. DANIEL MOOKHEY:** I can confirm that in this budget we have funded 75 per cent, which is what we signed up for. The implication in the questions asked by the former education Minister is that the Government should simply declare defeat and put up the white flag in our fight with the Commonwealth. That is not the approach that I am taking with education. I am not taking that approach with health, I am not taking that approach with the NDIS, and I am not taking that approach with the GST.

**The Hon. Sarah Mitchell:** You've rejected the funding. There is no table—you've said no. You've written to them and said no. You've rejected it. There is no negotiation anymore. It's over. Your 20 per cent rolls over.

**The PRESIDENT:** Order!

**The Hon. DANIEL MOOKHEY:** If the former education Minister wants to listen to my answer, she might appreciate the fact that, when it comes to these five-year agreements, we will continue to argue the case for New South Wales. We will argue that case against a Federal Labor government, if that is what is required, or a Federal Liberal government, if that is what is required. When it comes to making sure our kids get what they were promised, we are prepared to argue the case for as long as it takes.

This Government has done more in my first two budgets—just in the second budget, we increased the funding by half a billion dollars. That is half a billion dollars that the former education Minister could not get out of her Government. The fact that the former education Minister could not get a single extra dollar for public schools out of a budget with a 25 per cent expense growth reflects on her. So I simply say this: I will put our record against her record any day of the week when it comes to funding public schools, and I will put our record against hers when it comes to recruiting teachers and to delivering our kids the education they were promised. *[Time expired.]*

### ENERGY REBATES

**The Hon. MARK LATHAM (11:16):** My question is directed to the Treasurer. In question time yesterday the Treasurer said:

If we strip out the effect of the rebates, electricity prices are still about two points lower than last month ... It shows that the interventions this Government has made ... are helping.

That is not the case. When announcing the consumer price index data yesterday, Michelle Marquardt, head of prices statistics at the Australian Bureau of Statistics, said:

Excluding the rebates, electricity prices would have risen 0.1 per cent in August and 0.9 per cent in July.

Will the Treasurer now correct the record and also acknowledge that, under Labor Government policies in Canberra and Macquarie Street, underlying electricity prices are still rising?

**The PRESIDENT:** Before the Treasurer responds, all members will cease interjecting when members are asking questions. It is not helpful for the Ministers listening to the questions and it is not helpful for Hansard. The Treasurer has the call.

**The Hon. DANIEL MOOKHEY (Treasurer) (11:17):** No, and here is why. If we were to simply apply a standard index methodology to this, we would assume that June last year was the 100 point on the index. It was 107 in the absence of the rebates and down to 86 with the presence of the rebates. Compare it month on month, and the member will see that I was correct.

**The Hon. MARK LATHAM (11:18):** I ask a supplementary question. I can assure the Treasurer he is wrong. He referred to the indexes produced by the Australian Bureau of Statistics. Does the Treasurer not realise that, in the data published by the ABS yesterday, the index for July rose one point and stayed higher in August?

**The Hon. DANIEL MOOKHEY (Treasurer) (11:18):** No, the member is failing to understand how index rates and index periods work. He does not need to take my word for it; he simply needs to read any one of the many columns that were published today.

**The Hon. Mark Latham:** I seek leave to table the announcement by the ABS yesterday and the index data.

**Leave not granted.**

### HOUSING SUPPLY

**The Hon. GREG DONNELLY (11:18):** My question without notice is addressed to the Minister for Housing. Will the Minister update the House on the innovative new ways we are building homes in New South Wales?

**The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (11:18):** As we have acknowledged many times when talking about the efforts of the Government to confront the housing crisis, there are real challenges in the construction and feasibility of new homes. There is a whole piece of work going on, whether it is our significant investment in skills training, our engagement with private industry about options to explore how feasibility can stack up or the Government bringing land to the conversation, which I talked about yesterday. Those challenges are very real, and we are addressing them. I also familiarise the House with the innovative and creative new ways to build homes that the Government is exploring. There will still be the traditional method of building homes and we want thousands and thousands of them in New South Wales. But at this moment in Dubbo, the home town of the Hon. Stephen Lawrence, a 3D printer is at work, printing the first social home in the country. The Aboriginal Housing Office is 3D-printing a home.

**The Hon. Sarah Mitchell:** Haven't you done this one already?

**The Hon. ROSE JACKSON:** No, I have not. I have talked many times about our prefabricated and modular homes, but we have gone even further than fabrication and modular homes.



**The PRESIDENT:** Order! There are too many interjections from members on both sides of the Chamber.

**The Hon. ROSE JACKSON:** We are now into 3D printing. I am very keen to check out this home once it is done, but we have done quality assurance to make sure that this 3D-printed home will be a fantastic social home. In fact, it is not just "a" fantastic social home; we are taking a vacant block of land and 3D-printing two two-bedroom duplexes. Multiple homes will be printed. This is an Australia-wide first. That comes on top of the work we are doing in prefabrication. We have a plan to use prefabricated components to contribute to a multistorey construction in the Tweed. We have identified two sites in Lake Macquarie and Wollongong as part of our modular home rollout. I want to make sure the House is across that, because I am often asked, "What are you doing about the housing crisis right now?" We literally have the printers running, printing much-needed homes for the Aboriginal people of Dubbo. It is happening right now. It is exciting, innovative, creative work. We will do everything we can to get more homes and get them quickly.

### SOLAR FARM PROJECTS

**The Hon. TANIA MIHAILUK (11:22):** My question is directed to the Minister for Energy, representing the Premier. In 2023 the Minister publicly committed to fast-tracking renewables, and introduced and passed net zero targets for New South Wales to support those stringent targets. Given that foreign-owned energy developers are taking advantage of an unregulated solar panel planning system in New South Wales, and are arm-twisting vulnerable individuals and rural residential communities to accept the industrialisation of their precious land for solar panel factories, such as Mitchells Flat in Singleton, why has the Minister not also ensured that the Government fast-track an appropriate and transparent legislative framework for solar panels, incorporating appropriate oversight measures to ensure a thorough contractual planning legal regulatory framework to stop unscrupulous cowboy behaviour by those energy developers?

**The PRESIDENT:** Before the Leader of the Government answers, I have commented that questions must be no longer than one minute. Merely speaking twice as quickly does not assist in that process. The Leader of the Government has the call.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:23):** I thank the member for her question. There was a lot in it. There was a bit of argument, but I am happy to answer the question. Solar is an incredibly important part of the energy transition being undertaken in New South Wales. It builds on one of this State's greatest strengths: abundant solar energy. We can harness that and the input is free. The issues relating to solar farms are worked through under the planning system. There are environmental impact statements. A range of things are considered, and all of them are stringent. Infrastructure development is subject to the same process, whether it is a building, wind farm, solar farm or feed lot. All of the issues are worked through in the planning system and they are taken very seriously. There is community consultation as well as input from a range of government departments. That is standard; there is nothing new or different.

The member is correct: The New South Wales Government is looking at ways in which we can accelerate renewables coming into our grid because we have a serious problem. Three of the four coal-fired power stations that are still open are due to retire before 2035. The Government has already made a decision to extend Eraring for a period. The management of renewables coming in as coal-fired power goes out is an urgent and serious problem. It will not be helped by the Federal Opposition's nuclear plan. But I digress; that is not the issue the member asked about. People are talking to landholders about options for putting solar panels on their farms or hosting wind towers, if they wish to. That is being discussed. Of course, landholders need full and fair advice about that. I have been to the solar farm at Dubbo where they are running sheep, and it is going well. I have talked to the farmers who sidle up to me at events and say, "We want to put solar on our farms. We think it can work with what we are doing." Private landholders have the right to do what they want to with their land. [*Time expired.*]

### SYDNEY METRO DRIVERLESS TRAINS

**The PRESIDENT:** I welcome and acknowledge the relatives of the Hon. Natalie Ward who are present in the gallery: her mother, Dianne Ward; her brother, Tony Ward; and her niece, who I believe is an aspiring politician, Willow Ward. You are all very welcome.

**The Hon. NATALIE WARD (11:27):** Welcome, Willow, and do not listen to members on the other side of the Chamber. You are most welcome. Thank you for the acknowledgment, Mr President. My question is directed to the Minister for Roads, representing the Minister for Transport. Will the member on every train who is qualified and competent to drive the driverless trains on the New South Wales metro, as promised to the Rail, Tram and Bus Union, be employed under the Metro Trains Sydney Automated Passenger Services Agreement 2023 as a customer journey coordinator or under the Sydney Trains and NSW TrainLink Enterprise Agreement 2022 as a qualified train driver?

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (11:27):** Firstly, I welcome the shadow Minister's family to the gallery—in particular, her mother. My mother takes a close interest in question time.

**The Hon. Sarah Mitchell:** They should get together and have a coffee.

**The Hon. JOHN GRAHAM:** We have to keep them separate. That is very important. Secondly, I reassure the shadow Minister that the Leader of the Opposition did very well representing this argument over the previous two days. In fact, one review of his work yesterday, as he pressed his case, was that he was bringing 10.00 p.m. energy to the Chamber at just 4.30 p.m. I do not disagree with that assessment. The trouble with the case he argued is that it was somewhat undermined by the facts. The fact is that those arrangements or similar arrangements are already in place on the Sydney Metro North West under the former Government and on the Sydney Metro City. No-one is objecting to those arrangements, but now hay is being made of them for political purposes.

I am advised that those employees are Metro Trains Sydney employees. I can advise the House that they are not Sydney Trains employees. Who would listen to this attack from the Opposition, given its record? We are still struggling to get trains on the tracks in New South Wales as a result of the arrangements. Forget the additional staff on the trains; the Government cannot get the trains on the tracks because of the former Government. It is still a struggle because of the arrangements this Government was left with. Even I was surprised to hear the figures for the Opposition's record on industrial action when in government that have been revealed by the Leader of the Government. Please correct these figures. I heard the figure for now is 5,680 hours. What is the figure for the Leader of the Opposition?

**The Hon. Penny Sharpe:** Nine hundred and seven thousand.

**The Hon. JOHN GRAHAM:** The million-hour man!

**The Hon. Natalie Ward:** Point of order: Mr President, I have been on my very best behaviour today. I really have listened very carefully to the Minister's answer. My mother may need to block her ears. The question is about drivers on driverless trains.

**The PRESIDENT:** I uphold the point of order and instruct the Minister to come back to the question at hand.

**The Hon. JOHN GRAHAM:** At this point, I feel I have come to the end of the answer I can give within the standing orders.

**The Hon. NATALIE WARD (11:30):** I ask a supplementary question. I thank the Minister for his answer. He referred to the Metro Trains Sydney contract. I ask him to elaborate that part of his answer, noting that Metro Trains Sydney is a private company contracted to operate the metro for Sydney Metro. Did the Minister for Transport consult with Metro Trains Sydney before agreeing to this demand by the Rail, Tram and Bus Union for drivers on driverless trains?

**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 shadow Minister for the question and her close interest in the fine details, just as she was interested in the opening of the metro—until it opened. The Government has never heard a question about that or the Gateway. Why not ask a question about the Gateway? It was worse than that at estimates. Good Transport officials were trying to brief the Government and brief the Minister about the Gateway. The shadow Minister's response at the time was "I don't want to hear about the Gateway."

**The Hon. Natalie Ward:** Point of order: I really am sorry, but this is provocation. These are very serious questions about why on earth we would have drivers on driverless trains and about the arrangements put in place by the Government. Mr President, I ask that you draw the Minister back to that. I note that while those projects are great projects, we have heard about them and we know about them. We do not need to hear about them further.

**The PRESIDENT:** The Hon. Natalie Ward is not helping by adding irrelevant information at the end of her point of order.

**The Hon. Natalie Ward:** I withdraw that part, Mr President, with apologies. But I would like the Minister to be drawn back to the arrangements.

**The PRESIDENT:** The Minister will come back to the question.

**The Hon. JOHN GRAHAM:** I simply want to confirm two things: Firstly, the Hon. Natalie Ward is on her best behaviour, absolutely. I have never seen her this well behaved in question time. Secondly, it would be

appropriate for me to take the fine details of her question on notice, which is reasonable. The Government is now in the fine details of industrial negotiations, which is sort of an obsession. I do not have advice about that question. I am happy to take on notice the fine details that have unrolled and have resulted in the metro trains running on the football weekend and the Bankstown conversion unfolding smoothly. I will take on notice the fine details that enabled those excellent results to be achieved.

### GOVERNMENT PROCUREMENT POLICY

**The Hon. Dr SARAH KAINE (11:33):** My question without notice is addressed to the Minister for Domestic Manufacturing and Government Procurement. Will the Minister update the House about reforms to the Government's procurement system?

**The Hon. Damien Tudehope:** My godfather! Here we go—another *Hogan's Heroes* episode.

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:33):** I thank the Hon. Dr Sarah Kaine for an important question. I note that the former Minister does not want to listen to the answer because the Government has just received an excellent report authored by the Standing Committee on Social Issues that is chaired by that excellent—

[*Opposition members interjected.*]

**The Hon. Dr Sarah Kaine:** Point of order—

**The PRESIDENT:** Order! A point of order has been taken. I was about to do it myself.

**The Hon. Dr Sarah Kaine:** Mr President, I ask that you call Opposition members to order as a collective. From the moment the Minister stood up, there was a constant stream of inappropriate comments and some kind of attempt at humour from the Hon. Damien Tudehope. I ask that Opposition members behave in an appropriate way.

**The Hon. Wes Fang:** To the point of order: Firstly, I have been silent throughout the whole of question time, so calling the whole Opposition to order would be totally inappropriate. Secondly, the Hon. Dr Sarah Kaine made debating points while taking her point of order. Mr President, I ask you to call the member to order for that stunt.

**The PRESIDENT:** I appreciate members instructing me on who I should call to order and who I should not. I will not take up anyone's invitation on this occasion. That having been said, I uphold the substantive part of the point of order, which is that Opposition members, minus the Hon. Wes Fang, were being too noisy.

**The Hon. COURTNEY HOUSSOS:** I was in the middle of thanking the Hon. Dr Sarah Kaine for the excellent report that her committee has authored. It is the first report into procurement, which is a very important and complex issue, and it is a really considered report. The New South Wales Government spends \$42 billion on goods and services each and every year. I will continue to speak about this because this Government is firmly committed to spending more of that money in New South Wales, benefitting local communities. I thank the Hon. Dr Sarah Kaine for the forensic approach and vast experience she brought to this report. Last week, the New South Wales Government tabled a whole-of-government response to the inquiry's interim report.

I am pleased to update the House, if members have not found time to read that scintillating response, that the Government will support all nine recommendations from the inquiry. Those important recommendations include expanding the definition of "value for money" so that opportunities for job creation and local industry support can be factored into government spend; amending or removing obstacles to opportunities for small and medium-sized enterprises to bid for government contracts; improving compliance and assurance with procurement policies and directions; and introducing new measures to ensure timely feedback is offered to all parties involved in a competitive tender bid.

**The PRESIDENT:** Order! Members will come to order.

**The Hon. COURTNEY HOUSSOS:** This adds to the work that the New South Wales Government has already announced—the suite of reforms that the Government is working on to ensure that more of our government procurement spend is spent in New South Wales. I note members opposite do not want to listen because they do not want to hear about how this Government has repealed their policies that explicitly outlawed local content. The former Government explicitly wrote into the rules in New South Wales that it did not want to spend its money locally. The Labor Government finished that. We have ended that. The Government has a suite of reforms that we are implementing to spend more government procurement dollars here in New South Wales and spend less overseas. That will result in more jobs, more local investment and better quality products for the people of New South Wales. It is something the Government is firmly committed to.

## MINISTER FOR POLICE AND COUNTER-TERRORISM

**The Hon. ROD ROBERTS (11:37):** My question is directed to the Minister for Agriculture, representing the police Minister. On 20 September 2024, just six days ago, *The Daily Telegraph* reported that the Minister for Police and Counter-terrorism, at a press conference, laid the blame for the prevalence of cocaine on Sydney streets at the feet of the Australian Border Force. Given that the NSW Police Force is required to have close and collaborative relationships with its Federal counterparts to effectively stem the importation and distribution of illegal drugs, will the Minister apologise for that statement, which has weakened and strained those vital working relationships?

**The Hon. Daniel Mookhey:** Point of order: The core of the question is argument. Ordinarily, it is possible to disconnect the argument and seek the information. It is very hard when the question is "Will the Minister apologise" for something that is contested. Perhaps the member can resubmit the question in another way. It is not a question in which the argument can be ignored and the substance answered, because the core of the question is a response to an argument.

**The PRESIDENT:** I request a copy of the question.

**The Hon. Damien Tudehope:** To the point of order: If the criticism was made, which is a statement of fact, it gives rise to the apology that the member calls for in the question. The statement is not argumentative; it is a statement of fact.

**The Hon. Mark Latham:** To the point of order: How can anyone in the House, least of all the Treasurer, know whether or not the proposition is contested? The question is being asked to find out whether or not that is the case. If it is not contested, then of course an apology would be forthcoming. That is why we have question time.

**The Hon. Daniel Mookhey:** Further to the point of order: Mr President, as you can see in the question, the question itself contains the assertion that there has been damage, and then therefore the question arises as to whether the Minister will apologise for that damage. The second part of the question cannot be answered because it is so entwined with the argument that it cannot be reasonably disconnected. It is open to the member to rephrase the question along the lines of asking for the Minister's response to community concerns. That is the ordinary way in which such a question would be asked. The manner in which the question is being asked perhaps reflects that what is or is not considered argument has become more ambiguous over the course of the current Parliament compared with the previous Parliament. If members wish to ask for a response on that type of subject matter, it might be easier if they simply referred to the standard practices engaged in the previous Parliament.

**The PRESIDENT:** The question is in order. I instruct the Minister to answer.

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:41):** I thank the member for the question, which has been asked of me in my capacity representing the Minister for Police and Counter-terrorism. I say at the outset that the advice I have received is that the NSW Police Force is supported by and regularly engages and undertakes partnerships with its Federal counterpart. There is a close working relationship between the NSW Police Force and its Federal counterpart. It is a highly successful partnership that puts criminal behaviour in the spotlight.

It is vitally important that all law enforcement agencies work collaboratively to address the illicit drug market and other criminal activities both in Australia and abroad. The NSW Police Force works tirelessly to break up organised criminal gangs and keep our streets safe. The Government certainly supports it in that work. It is important that the collaboration between the NSW Police Force and all Federal agencies is successful. As for the member's reference to comments made by the Minister for Police and Counter-terrorism, and any consequences or actions—for want of a better way of putting it, because I cannot remember the details of the second part of the question—I will take that on notice and go back to the Minister. If there is something to respond to, I will come back to the member and the House.

## RIISING TIDE PROTESTS

**The Hon. WES FANG (11:43):** My question is directed to the Minister for Natural Resources. In 2023, there were 109 arrests of participants in Rising Tide's 32-hour blockade of coal exports from the Port of Newcastle. Those law-breaking acts are celebrated by Rising Tide as the largest civil disobedience for climate justice in Australia's history. What discussions has the Minister for Natural Resources had with the Minister for Police and Counter-terrorism to ensure that a police permit is not given to those law-breaking protestors for a 50-hour blockade of our important coal exports scheduled for 22 to 24 November this year?

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:44):** I thank the member for the question.

I give him the same response that I did this morning, which is that while people have the right to protest legally, they will be arrested if they do the wrong thing. That is what has occurred. The member referred to a particular organisation. I understand that members of that organisation were arrested yesterday because they were undertaking illegal protests. Everyone has the right to hold their views. If they want to protest, they need to do so in accordance with the laws of the State. The Minister for Police and Counter-terrorism, who is also the Minister for the Hunter, is well across the issue and is keeping a very close eye on the matter. The Minister is absolutely aware, as am I as the Minister for Natural Resources, of the 25,000 jobs that the coal industry directly supports, and the more than 100,000—

**The Hon. Damien Tudehope:** Point of order: I accept that the Minister for Finance is addressing the issue of the right to protest and that the Minister for Police and Counter-terrorism is across the issue, but the question was specifically about representations in respect of a permit for the Rising Tide protest scheduled for this November.

**The PRESIDENT:** I say three things: First, there were a number of extraneous elements to the question; secondly, the Minister was being directly relevant about the issue at hand; and, thirdly, what discussions the Minister for Natural Resources has had with the Minister for Police and Counter-terrorism is the fundamental element of the question and needs to be addressed in the Minister's answer. The Minister has the call.

**The Hon. COURTNEY HOUSSOS:** In relation to the final part of the question that you just referred to, Mr President, the Minister for Police and Counter-terrorism, and Minister for the Hunter is aware, as am I as Minister for Natural Resources, of the important role the coalmining industry plays in our State's economy, particularly across the Hunter region. I said that there were 25,000 directly supported jobs. There are more than 100,000 indirectly supported jobs in the Hunter Valley that the region is particularly reliant upon. The protestors yesterday were protesting against the extensions of existing coal mines. The vast majority, in fact almost all, of the jobs in those mines, with the extensions—

**The Hon. Wes Fang:** Point of order: Mr President, in your previous ruling you indicated that the primary part of the question was around discussions had. I note that the Minister has ignored that ruling and has continued to answer the part of the question that does not relate to what discussions were had. I ask you to bring the Minister back to that part of the question.

**The PRESIDENT:** There was only one question after a lengthy preamble. That is the question that I encourage the Minister to address.

**The Hon. COURTNEY HOUSSOS:** I assure the House that I have regular discussions with the Minister for Police and Counter-terrorism, and Minister for the Hunter about the current and ongoing importance of the coalmining industry to that region, and the existing coalmine planning approvals. If individuals wish to protest against a legal and well-regulated industry, they need to do so in accordance with the law. If they do not, they will be arrested, as occurred yesterday.

**The Hon. WES FANG (11:48):** I ask a supplementary question. Will the Minister elucidate her answer and confirm that Rising Tide may actually be given a permit to disrupt coal exports from the Port of Newcastle?

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:48):** In his initial question, the member outlined that it is currently under consideration by the police. That is what is occurring. Therefore, if he has specific questions about that process he should direct them to the police Minister or the Minister representing the police Minister. I am happy to tell members about the importance of the coalmining industry to the economy, to the people of New South Wales and to the people of the Hunter. That is what I am committed to doing as Minister for Natural Resources. I am happy to speak at length about the industry and our extensive efforts, but if members opposite do not understand the basic principles of asking questions in question time I will not give them any tips.

#### NIGHT-TIME ECONOMY

**The Hon. CAMERON MURPHY (11:49):** My question without notice is addressed to the Minister for Music and the Night-time Economy. What is the New South Wales Government doing to ensure that, as it pursues its vibrancy agenda, the night-time is a thriving, safe and accessible time of day for all?

**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) (11:50):** Given the question, I can tell that the member, like Marvin, he is a friend of mine.

**The Hon. Damien Tudehope:** The best form of flattery is imitation.

**The Hon. JOHN GRAHAM:** I have to acknowledge that interjection. When the Hon. Cameron Murphy asks questions, his heart is in every line. I thank him for his interest in the topic. Last week the New South Wales Government released its refreshed 24-Hour Economy Strategy, which builds on the State's recovery out of lockouts and lockdown. Work was focused on hospitality and entertainment and getting our performers in venues, where they are singing proud and pulling a crowd. There are three important policy shifts in the new strategy. Firstly, the strategy is moving out of Greater Sydney, expanding its remit across the State. The night-time economy in Tamworth will look very different to Enmore or Parramatta, but it is important that this is statewide.

**The Hon. Sarah Mitchell:** You can have a rocking night out in Tamworth.

**The Hon. JOHN GRAHAM:** I acknowledge that interjection as well, and I agree with it. Secondly, we will focus on data. We need to know what is happening on the ground. We need evidence as these changes unfold across the State. Finally, and perhaps most importantly, the strategy will move from a focus on the hospitality and entertainment economy to the broader myriad of workers on the night shift, including nurses, doctors, paramedics, police, drivers, retailers, cleaners, security guards and workers in manufacturing or construction. For these workers, it is always going to be a long night. Workers on the night shift represent one in five workers in New South Wales, or 21 per cent. That is more than 870,000 people and it is predicted to grow up to 13 per cent by 2031.

Those workers are often in less secure work. They are often paid less and have fewer transport options, fewer childcare options and reduced safety. It is tough for them to get a coffee before work or a meal afterwards. Where will we find them? Places like the Randwick Health and Innovation Precinct, where there are 4½ thousand workers on the night shift; Liverpool Health and Academic Precinct, with 4½ thousand workers; and Port Kembla, with 3,600 workers. Think about Western Sydney International Airport, where there will be 200,000 people working 24/7. Meeting the needs of those workers will create economic opportunities for the State but, most importantly, it will improve their lives. With this new strategy it's gonna be a long night, but it's gonna be all right on the night shift.

#### MOBILE PHONES AND ROAD RULES

**The Hon. JOHN RUDDICK (11:53):** My question is directed to the Minister for Roads. Yesterday the House passed the first Libertarian Party bill anywhere in Australia. There are more to come. That was the Road Rules Amendment (Mobile Phones as Navigation Aids for Provisional Licence Holders) Bill 2024. The bill is now on its way to the other place, where I have hope it will pass. During debate the Minister said he had requested a review to be performed by the Centre for Road Safety that will deal with the policy risks, et cetera, of mobile phones being used as navigational aids. The Minister correctly noted that there are varying laws in other States and the review will look into what should be incorporated in New South Wales. When will this review take place? When will the review conclude? Will the findings of the review be made public? Would a positive review change the Government's position on the bill?

**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) (11:54):** I thank the member for the question. I congratulate him on the passing of the bill. I did not realise it was such a significant moment as the passing of the first Libertarian Party bill through a House of this Parliament, not yet the Parliament. He very smoothly dealt with that moment where a bill surprisingly passes and the third reading has to be dealt with. I found it a challenge with my first bill.

These are good questions. The Government opposed the bill in this Chamber, and I indicate there are some serious issues. We are reviewing the work. A series of sensible questions are asked through the bill. The review has already been initiated, and it will take place over the course of this year. We are happy to make it public. It is important that any evidence the Government brings to the table is made public, given this is a matter that the House takes seriously. I am happy to commit to that and also commit to returning to the Parliament in the first sitting week of February to update where we are at as the review is undertaken. I will not indicate a future view for the Government, because obviously the Government will be guided by the evidence, as always. It is very reasonable to ask for the review, as the member has done in discussions, and to ask for it to be public and reported to the House.

#### RURAL ASSISTANCE

**The Hon. SAM FARRAWAY (11:55):** My question is directed to the Minister for Agriculture. The former Coalition Government created the Farm Innovation Fund, which provided low interest loans for farmers at an interest rate of 2.5 per cent. The Government has created the Drought Ready and Resilient Fund, which has current interest rates of between 5.08 per cent and 5.58 per cent. Last week the Minister announced low interest

loans for seven regional businesses at an interest rate of 2.5 per cent. Why is the Minister slugging farmers more to borrow from the New South Wales Government?

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:56):** I thank the member for the question. He is right to point out that we have a range of measures to support farmers and businesses across regional New South Wales. We have the Drought Infrastructure Fund in place; I have talked about it many times in the Chamber and in the public domain. The fund is available for farmers, landholders and producers to apply to prepare for drought and be able to deal with infrastructure, feed and other things that might be needed. It is responsible of us and important that we have these measures of support available. We are not waiting until the last minute to provide this kind of support. It is available now. I encourage people to prepare for drought by applying for those funds.

The member is also right to point out that the former Farm Innovation Fund remains in place—what is left of that. Farmers are able to apply, again for the same reasons, for infrastructure to prepare for all kinds of events. The member also raised that the Government last week announced that one arm of the Regional Development Trust Fund to support regional communities included a measure that allowed small businesses to apply for very low interest loans to help them grow and be more successful. Last week I said in the House that we opened up a relatively small amount of money for businesses to apply for through that fund to see how it went. In fact, the response has been overwhelming. There is a huge amount of interest across regional communities in getting that support from the Government at the low interest rates that it has offered small businesses, without having to put the house up as collateral. Those businesses can get support from the Government to build and improve.

**The Hon. Wes Fang:** Point of order: There is very little time left on the clock and the Minister has not actually addressed the substantive part of the question. I ask that you draw her back to the question that was asked in the remaining 16 seconds.

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

**The Hon. TARA MORIARTY:** I will continue talking about the loans the Government made available to small businesses. We announced some of the successful applicants last week. Again, there was an overwhelmingly positive response from regional businesses. [*Time expired.*]

**The Hon. SAM FARRAWAY (12:00):** I ask a supplementary question. Will the Minister elucidate that part of her answer in which she said that the new program had been announced and was highly successful? Will the Minister elucidate why there is a difference between the interest rates offered between different government programs in her department?

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (12:00):** These are different programs offered at different rates because—

**The Hon. Daniel Mookhey:** Because of the government borrowing rate.

**The Hon. TARA MORIARTY:** I acknowledge the Treasurer's interjection. Interest rates have changed and this is the government borrowing rate that is available. These are very successful funds that are available for farmers, but not just for farmers. The funds are available for regional businesses across New South Wales that are interested in getting support from the Government to help their businesses to become more successful and expand. The round I announced last week has a particular focus on food and beverage manufacturers. It is for businesses, for example, that are adding value to products that are grown by farmers. They might add to the products that are grown and be able to employ more people in regional communities.

I note that there has been a lot of commentary from the Opposition—from the National Party in particular—complaining about the Regional Development Trust. I am surprised that the Deputy Leader of the Opposition, Mr Saunders, complained about the fund, when a business in his own electorate praised it when the Government announced it last week. That is a fantastic business in Dubbo which, thanks to the support of this product from the New South Wales Government, will be able to expand and be even more successful. Regional businesses, particularly regional small businesses, face different challenges and have different opportunities to those in the city. This is an offering from the Government that is tailored to their needs. The Government announced an initial round of \$5 million from this part of the Regional Development Trust. The feedback was overwhelming positive, and I congratulate the first lot of businesses that were awarded funds.

**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***SYDNEY METRO DRIVERLESS TRAINS**

**The Hon. NATALIE WARD (12:02):** My supplementary question for written answer is directed to the Minister for Roads, representing the Minister for Transport. Prior to the discussions between the Government and the Rail, Tram and Bus Union [RTBU] on Friday 20 September, was it intended to have a customer journey coordinator on trains on the new Sydenham to Bankstown metro line? What changes to the planned staffing arrangements were agreed with the RTBU, and was Metro Trains Sydney consulted prior to that agreement?

**ENERGY REBATES**

**The Hon. MARK LATHAM (12:03):** My supplementary question for written answer is directed to the Treasurer. Will the Treasurer supply to the House the documents and data he relied on in telling the House yesterday that, "If we strip out the effect of the rebates, electricity prices are still about two points lower than last month," given that the official announcement from the Australian Bureau of Statistics [ABS] yesterday said that those prices rose by 0.1 per cent in August? The ABS electricity price index for August, excluding government rebates, was 117. It was also 117 in July, up from 116 in June.

*Questions Without Notice: Take Note***TAKE NOTE OF ANSWERS TO QUESTIONS**

**The Hon. NATALIE WARD:** I move:

That the House take note of answers to questions.

**SYDNEY METRO DRIVERLESS TRAINS**

**The Hon. NATALIE WARD (12:04):** I take note of answers given to questions today. They were extraordinary. In my wildest dreams I could not have envisaged that we would live in a time where not only has the Coalition delivered the longest legacy of infrastructure pipeline to an incoming government in the history of New South Wales—there is the new metro, the new trains, new motorways and the Sydney Gateway, as acknowledged, which were delivered on a platter to this Government—but only under Labor could we have driverless trains where they insert drivers. It is extraordinary. It would be laughable if the taxpayers of New South Wales were not paying for this. This is not the pet project of Labor or the Government; these are taxpayer dollars that people have to fork out in a cost-of-living crisis. It is no laughing matter to those families that must choose between paying their electricity bill or putting food on their table. Meanwhile, the indulgent practices of this Government have come home to roost in only 18 months.

Opposition members have been asking questions. What is the cost of these drivers on driverless trains? What agreement is that under? The Minister could not even name which agreement that falls under. Was Metro Trains Sydney consulted? It is the operator of these driverless trains. The Government could not provide the simplest answers. Clearly, there was an agreement. Clearly, the Minister sat down with the unions at the last minute—at a minute to midnight before the grand finals of all the football matches. The media was watching and people were asking questions, and the Minister folded. She folded with no consultation, no idea of what it will cost and no understanding of the implications for people in New South Wales who are already at breaking point, with record insolvencies in companies.

Building companies are going under and families are facing incredible difficulties, but that is okay as long as another union box is ticked: "Yes, we will give you what you want because we can't manage the economy. We can't manage the infrastructure that was built, planned, funded and delivered by Liberal governments. But what we can do is give back our union mates what they need because they got us elected." That is exactly what is happening here. This same Government is all talk and no delivery when it comes to the hard infrastructure and cost decisions that need to be made. The Coalition did all the work for this Government and delivered it on a platter.

Before the election, Government members said there would not be any new tolls. "Don't worry. No new tolls under us." The only toll that was increased under this Government was the toll on the Sydney Harbour Bridge. Watch for it: There will be two-way tolling on that bridge before we can say "Christmas". The unions are now running Transport for NSW. We know that they are competing with each other. Unions are protesting at record levels in front of this Parliament and they are competing with each other to get Labor dollars, because they donated to the Labor Party and got the Government elected. Now the Government is paying the piper.

**ENERGY REBATES**

**The Hon. MARK LATHAM (12:07):** I welcome the presence of the Treasurer in the Chamber. We can learn a little about how the Australian Bureau of Statistics [ABS] operates. He has a library named after him; now



he thinks he has got the Mookhey index. In *Star Wars* the evil Emperor declares, "I am the Senate." Today we heard the Treasurer declare, "I am the ABS. I am the Australian Statistician. I know more than what they published yesterday." He does not have the integrity to own up to the fact that yesterday he made a bad mistake in giving false information to this Chamber. It is a very simple argument. He said, "If we strip out the effect of the government rebates, electricity prices are still about two points lower than last month." There is only one problem with that: It is not what the ABS itself is saying about the data.

I know the Treasurer thinks he knows more. Members had a contest at the beginning of this term of Parliament to pick which Minister would become the most arrogant the fastest. I bet on someone else. I wish I had bet on the Treasurer, because he is now the odds-on favourite, winning by about six lengths in the arrogance stakes. His personality has been totally transformed by the halls of office. The arrogance is absolutely extraordinary. The Treasurer will not admit the fundamental error. He had it wrong. Yesterday the Australian Statistician said that the Commonwealth and State government rebates led to a 14.6 per cent fall in electricity prices in the month of August, which followed a 6.4 per cent fall in July.

**The Hon. Daniel Mookhey:** Terrible! Do we want the power prices higher?

**The Hon. MARK LATHAM:** Excluding the rebates—this is what the Treasurer should listen to. Earlier on he gave the shortest answer he has ever given in this Chamber. He could not sit down fast enough.

**The Hon. Daniel Mookhey:** Yes, it did not take that long to point you around because you are wrong.

**The Hon. MARK LATHAM:** Now he cannot shut up or stop the gibberish.

**The Hon. Damien Tudehope:** Point of order: The Hon. Mark Latham should be heard in silence without the continual backchat from the Treasurer.

**The ASSISTANT PRESIDENT (The Hon. Peter Primrose):** I ask that all members act with courtesy towards other members.

**The Hon. MARK LATHAM:** It is clear, is it not? The Treasurer is making the longest interjections ever after giving the shortest answer in front of the microphone. The statistician said that, excluding the rebates, electricity prices would have risen 0.1 per cent in August and 0.9 per cent in July. We are yet to see the magical, mysterious Mookhey index for how that all works, but the Australian Bureau of Statistics actually has its own index publication. It reads, quite simply, "Electricity index, Australia" for June 2023 onwards. That index records the prices stripped bare. There is a column headed, "Excluding Government Electricity Rebates"—this is indexed. There is no mention here of the Mookhey index, Mookheynomics or any of that nonsense.

**The ASSISTANT PRESIDENT (The Hon. Peter Primrose):** Order! I will be obliged to call the Treasurer to order if he continues to interject.

**The Hon. MARK LATHAM:** The index clearly shows that the Treasurer is wrong. He is a fool to think he is greater than the Australian Bureau of Statistics and that he has not misled the House. He should have the integrity to correct the record.

**The ASSISTANT PRESIDENT (The Hon. Peter Primrose):** Order! I call the Treasurer to order for the first time.

## GOVERNMENT PROCUREMENT

**The Hon. Dr SARAH KAINE (12:10):** I take note of several questions and answers given today. I begin with my favourite type of question, the Trojan Horse question, which I have become accustomed to during my time in the House. Ostensibly, it starts with a matter of policy—it could be any policy; pick one—but it ends with an attempt to suggest something nefarious about a union or union connection. Those questions reveal the amount of space that the concept of collective worker representation takes up in the minds of members opposite. While Labor is certainly the party that is affiliated with unions, the obsession with unions seems to be far more evident in members on the other side of the Chamber.

I find that interesting because there is no news or scandal in the unions' connections with the Labor Party. What is scandalous is that members opposite get quite vociferous when we start talking about support for local small businesses through changes to the procurement system. I had thought, mistakenly, that small business, local businesses and manufacturers were the types of constituents that the Opposition sought to represent. But each time an explanation is given of changes to our procurement policy, we hear some kind of objection to the Government's attempts to foster local manufacturing and businesses through its immense economic footprint. I find that perplexing. Clearly, unions take up a lot of the Opposition's time. Perhaps, instead of worrying about who unions spoke to and when in order to adequately represent workers—as they are legally entitled to—members

opposite might spend a bit more time considering how to foster and develop local businesses for the benefit of the people of New South Wales.

## COMMONWEALTH EDUCATION FUNDING

### RURAL ASSISTANCE

**The Hon. SARAH MITCHELL (12:13):** I take note of the answer given by the future former Treasurer to my question regarding school funding. I brought this serious issue to the House wanting a genuine answer from the Treasurer. The facts are simple: The Premier is on record talking about the school funding agreement in January of last year, saying that those opposite would like the Commonwealth to put in 25 per cent, but that if it did not and stayed at 20 per cent, "we will make up the difference". That is on the record, so Government members cannot shy away from it. They cannot pretend that they did not go to the election with a commitment that schools would be fully funded under Labor.

But now we are seeing a rejection of the Federal deal. The education Minister is on record saying that the Government has said no to the Federal Government's offer of 22½ per cent. But we are hearing crickets rather than confirmation that the Government will stick to its pre-election commitment that schools will be fully funded. Those opposite say, "We don't like the Federal deal. It's not enough money. They haven't got us to 25 per cent." Government members are hoping people will forget that before the election they said, "We'll fill the gap if there is one." The Opposition is not going to forget, because it is important that the Government honours its deal and fulfils its commitment. It is easy to say things when in opposition, but it is much harder to implement them when in government. The problem is that schools are in limbo. We are talking about large amounts of money. We need about \$800 a million a year to fund schools to 100 per cent.

I do not know why the Government did not accept the Federal deal. If the Government was prepared to pay the full 5 per cent and the Feds have put 2½ per cent on the table, surely that saves the Government money. It saves the Government \$400 million a year out of what it needs to honour its pre-election commitment. All we got from the Treasurer today were personal attacks and accusations that the Coalition did not do anything about school funding. It is a fact that ours was the first government to sign up to Gonski. Any argument that we did not make movements towards getting full and fair funding for schools is not true. What happens to the funding arrangements now? When will Government members honour their commitment? The Opposition will keep prosecuting that issue because it is too important not to.

I also take note of the answer given by the Minister for Agriculture regarding government funding for farmers. The fact is, on the low-interest rate loans available, farmers now have to pay double what they did under the previous Government. They are also paying double what regional businesses are paying. It is a matter of equity. How can the Minister possibly justify slugging farmers at twice the rate of others? It is not right. The Minister for Agriculture should be backing in farmers every day of the week. She should be making sure that the funding available from those low-interest rate loans is at the same rate. Again, we did not get a decent answer today; we got platitudes and empty promises.

### MINISTER FOR POLICE AND COUNTER-TERRORISM

**The Hon. ROD ROBERTS (12:16):** I take note of the answer given by the Minister for Agriculture, representing the Minister for Police and Counter-terrorism. Leadership is about responsibility. A good leader instinctively knows that it does not matter who did what, when or why—it is on the leader. They know that anything that is within their remit and their responsibility is within their power. I am proud to have been a leader of men and women in various areas and in many capacities in the private sector and in public life, but particularly as a detective. That is something I take to heart. A leader does not point fingers and play blame games—but that is exactly what the Minister for Police and Counter-terrorism, Yasmin Catley, has done.

She acknowledges that New South Wales is awash with cocaine. She said that cocaine "is certainly coming in, and they're coming in through our borders. If drugs are coming through our borders, then that is obviously a Federal issue." Attention, Minister Catley: This is a State issue. This is a New South Wales issue. This is her issue. Drugs are flooding our streets right here, right now. To take no responsibility and simply shift blame to the Australian Border Force is reckless, uncaring, irresponsible and downright unhelpful.

Not only does the Minister seek to shift blame for problems within her remit but she also destabilises the relationship between State and Federal police agencies. State and Federal police work depends entirely on collegiality, the free flow of information and the teams working in tandem with no suspicion or apprehension of each other. I have been there and done it. I have seen how those teams operate. To have the Minister for Police and Counter-terrorism acting like that is demoralising for the men and women involved. It damages relationships and credibility.

The mission focus is simple: Get cocaine out of the State and keep our people safe. If we have a win, we will share the win. If we have a loss, we will share the loss. We will take the loss and wear it. The NSW Police Force is stretched thin and doing lots with not much support. I acknowledge the good job our frontline men and women are doing. The Australia Border Force is doing what it can, too, taking risks to keep our borders under control. It should be remembered that not only are those agencies dealing with drugs but they are also looking at terrorism issues, illegal immigrants, slavery, sex trafficking, firearms and terrorism. All of those things require a multifaceted agency response. To play political games with their work is ridiculous. I urge the Minister for Police and Counter-terrorism to apologise to the Australian Border Force for her comments.

### **SYDNEY METRO DRIVERLESS TRAINS**

**The Hon. MARK BUTTIGIEG (12:19):** I take note of the continuing attacks by members opposite on the Rail, Tram and Bus Union [RTBU] with respect to driverless trains and the opportunistic nature of their questioning over the past couple of weeks. When nurses or teachers—or anyone else—are out the front of Parliament House, Opposition members blame the Government for the industrial disputation and for not being able to settle disputes. But when the Government settles disputes and negotiates, they criticise that as well. The resolution of this dispute with the RTBU resulted in extra staff on driverless trains who will help elderly people and people with disabilities on and off trains, which I would have thought members opposite would have been happy with. The staff are also able to manoeuvre the trains in the event that the remote system fails. These are driverless trains; they are not controlled by human beings. It is not a bad idea to have extra staff on board in case something goes wrong. Members opposite bemoan the resolution of an industrial dispute because it does not suit their politics. Complaining about extra employees is so typical. To boot, extra staff have already been employed on the North West line; all the Government is doing is replicating that on the City and Southwest line.

The contribution from the Leader of the Government was very illustrative. It certainly showed which model of industrial relations is working. Let me repeat the figures. Industrial action under the previous Government's adversarial, union-attacking regime resulted in 154 times the number of hours lost to industrial action. In the 18 months prior to the March 2023 election, 907,789 work hours—nearly one million—in the public sector were lost to industrial action. That was under the watch and rule of the previous Government. Since Labor came to government, 5,860 hours have been lost to industrial action, so it is clear which model of industrial relations works.

Regarding the Opposition's constant requests for the Government to intervene on industrial relations matters, there are things called the Fair Work Act and the Fair Work Commission. Government members are not taking sides because we have faith in the system and we agree with the rule of law. I suggest, if the Opposition's mob ever gets into power federally, that they make good on their promise and dismantle the Fair Work Act. They do not believe in a fair industrial relations system so they should just say that they want to dismantle the Fair Work Act.

### **GOVERNMENT PROCUREMENT**

**The Hon. JACQUI MUNRO (12:22):** I take note of the answers given by the Minister for—I always get this wrong—Domestic Manufacturing and Government Procurement. I think that is the title. It was a virtue-signalling title when it was implemented, and it still is. I am interested to hear about how those policies got rolled out because, honestly, they have so many holes that you could drive a driverless train through them. The first thing is that if the "if not, why not" scheme, which has been announced as a massive reform, was retroactively applied to the last financial year, only 35 government agencies would have had to answer that question 191 times. That is the number of contracts over \$7.5 million awarded to 158 vendors in the last financial year. Those 158 vendors received a total of \$9.4 billion. Do members know how many contracts were awarded that were less than \$7.5 million last financial year? There were 8,724 contracts between 103 agencies and 3,828 vendors, which totalled \$5.2 billion.

Given the reality of those numbers, it is clear that the impact of the policy does not drive small and medium-sized enterprise engagement. Those businesses are actually the ones that operate in that category of \$7.5 million or less. In the last financial year that category was actually dominated by large enterprises and multinationals. Deloitte had 51 contracts, worth \$29 million; Siemens had 48 contracts, worth \$48 million; NTT DATA had contracts worth \$22 million; and Telstra had \$32 million. So the "if not, why not" over \$7.5 million local supplier policy is not effective. It does not achieve the aims that the Government appeared to want it to achieve. The policy does not fit the problem.

The way that it will roll out is quite concerning. Government departments will have to engage local suppliers before going to tender, so the transparency in the system is actually reduced significantly. Agencies will need to explain the decisions that they make, but who knows where that will be done or who gets to approve or oversee them. I also note that the Government has backed away from the 30 per cent small and medium-sized

enterprise technology spend target that the Hon. Victor Dominello introduced under the previous Government. The Minister for Innovation, Science and Technology does not believe in the policies that the Government is implementing.

### SOLAR FARM PROJECTS

**The Hon. TANIA MIHAILUK (12:25):** I take note of the question that I put to the Minister for Climate Change, and Minister for the Environment, the Hon. Penny Sharpe, about often foreign-owned energy developers coming into our communities like the Hunter, Mitchells Flat and places in the other five renewable energy zones across New South Wales to take advantage of a framework that does not exist in New South Wales. The Government rushed to legislate net-zero targets last year and the Minister has indicated time and again that she wants to fast-track renewables to meet those targets. What she has not fast-tracked is any type of legal, contractual, planning or regulatory framework to hold the energy developers to account with respect to how solar panel planning takes place in New South Wales.

The current situation cannot continue. Unscrupulous cowboys go into those communities and arm-twist vulnerable farmers and landholders to lease their land for very small amounts of money. There are examples of five-by-five-year agreements at \$40,000 a year for something like 500 hectares of land, which is outrageous, yet people sign up to those contracts. The energy developers know that they can do it because there is no framework in place to stop them. They use every trick in the book to make their way through the planning system. At this point in time the problem in New South Wales is that there is not the appropriate framework in place to ensure a transparent process.

I feel for the residents in Mitchells Flat. Singleton Council wants better residential development. It wants the rural land on the east side of Singleton to be used for residential purposes, but suddenly it is going to be industrialised with solar panel factories. It does not surprise me that communities, who are not necessarily anti-renewables, are asking the why the mining buffer zones on the west of Singleton are not being repurposed for residential development. The reason that they are not is because it will cost the energy developers a lot of money to lease that land. Instead they go to the vulnerable farmers and landholders, and they are able to do so because New South Wales does not have a proper regulatory framework in place. Neither the Hon. Penny Sharpe nor the Labor Government mind that because they want to meet their unreasonable net zero targets. [*Time expired.*]

### NIGHT-TIME ECONOMY

**The Hon. CAMERON MURPHY (12:28):** I take note of the answer given by the Minister for Music and the Night-time Economy to a question I asked about the next phase of the vibrancy reforms. It is good that the vibrancy reforms are now shifting away from just providing hospitality and entertainment for people who live around the city, and towards providing access to the night-time economy for shiftworkers who need these services. The Minister spoke about the 4,500 people at the Randwick Health and Innovation Precinct and the 4,500 people at the Liverpool Health and Academic Precinct who are working through the night. Those workers are nurses, doctors, orderlies and other hospital workers and Health Services Union members.

Up to 200,000 people will be working at the new Western Sydney International Airport once it has been completed in a couple of years time. As the vibrancy reforms progress, it is so important that we have options available for shiftworkers to be able to do the things at the start of a night shift that we all take for granted, such as being able to buy a cup of coffee on the way to work or being able to do a grocery shop when they finish the afternoon shift in the early hours of the morning. This is exactly the sort of reform we need for vibrancy in this city to ensure that we truly do have a 24-hour economy. People need to be able to buy a cup of coffee in the middle of the night when they are starting work, and they need to be able to do a grocery shop.

They need to be able to access all of the same services that people can access during the day. I am glad that the vibrancy reforms are shifting away from the important work that has already been done in the hospitality industry. The reforms are instead moving towards early-morning access of ordinary services for those vital workers who contribute to a significant part of our economy. It is a great step forward and something that was not done during the 12 long years that the Opposition was in government. We are tackling this now, and I congratulate and commend the Minister for his important work.

### RISING TIDE PROTESTS

**The Hon. RACHEL MERTON (12:31):** I take note of the answer given by the Minister for Finance about the alarming civil disobedience we witnessed during Rising Tide's 32-hour blockade of coal exports at the Port of Newcastle in 2023, where 109 participants were arrested. Disturbingly, this flagrant disregard for the law is being proudly celebrated by Rising Tide as "the largest civil disobedience for climate justice in Australia's history". There is more to come. I am concerned about a scheduled 50-hour blockade planned for 22 to 24 November this year. We cannot, and should not, tolerate such reckless law-breaking behaviour.

I remind the House that coal is the largest export earner in New South Wales. Exports were worth about \$55 billion in 2022-23. The major coal export industry of New South Wales contributes to the State's bottom line, creates tens of thousands of jobs and powers industries across the country and across the world. To ignore the importance of this resource is irresponsible. It undermines the livelihoods of those who work in the coal industry, and it undermines the economic stability of New South Wales. Blocking coal exports, particularly on the scale that Rising Tide envisions, has real consequences for workers, families and businesses.

### TAKE NOTE OF ANSWERS TO QUESTIONS

**The Hon. DANIEL MOOKHEY (Treasurer) (12:33):** I quite enjoyed our jousts in question time today. I thank all members for their contributions to the debate. I will reply to three matters raised during debate. The first issue arises from the contribution of the Hon. Mark Latham, who is certainly no shrinking violet—and neither am I. I enjoy getting questions about Australian Bureau of Statistics indexes. There is no point too small for my good friend to make. The core of his criticism of me, both today and yesterday, concerned the projections of power prices excluding rebates. The best evidence that he could adduce was that there was no change in the month-to-month data. We were distracted during debate by the June numbers given in response to an August release, but however we cut it, power price growth is falling.

The point that the Hon. Mark Latham did not respond to whatsoever was that the index has fallen from 117 to 86 in the past month as these rebates were rolled out. The Government is being flogged with the wet lettuce equivalent of saying, "What would have happened if you did not have the rebate?" My point is simply that there is a rebate, and people are paying less for power as a result. That why inflation is coming down, on an underlying basis, from 3.8 per cent last month to 3.4 per cent this month. That is a good thing which the House should celebrate. People are paying less for power now than they were last month, and less than they were a year ago. If members wish to identify themselves as supporters of higher power prices, then they are entitled to make that case but, however we cut it, power price growth is moderating, and that is a very good thing.

The second point I make is that I listened very studiously to the contribution by the Deputy Leader of the Opposition in response to education funding. She shows assiduous interest in the current negotiations. I wish the same level of assiduousness had been applied the last time the Schooling Resource Standard [SRS] was negotiated, which was when she was the Minister for Education and Early Learning, because we would have started in a much better position. When we came to office, the New South Wales contribution to the SRS was 71 per cent. We are now at 75 per cent—an \$800 million injection in the past 18 months, which makes a difference. My third point relates to the contribution by the Deputy Leader of the Liberal Party about staff on the Sydney Metro. When it comes to the Sydenham to Bankstown line, all we are doing is applying the same staffing levels that she applied when the line went from the city to Sydenham. Opposition members criticise us for "putting drivers on driverless trains"—as they put it—but they did it before, and on more than one metro. [*Time expired.*]

### ENERGY REBATES

**The Hon. MARK LATHAM:** I seek leave to table documents relating to the monthly CPI indicator for electricity prices, which contradicts what the Treasurer said.

**Leave granted.**

**Documents tabled.**

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

**Motion agreed to.**

### *Written Answers to Supplementary Questions*

### NURSES AND MIDWIVES INDUSTRIAL ACTION

In reply to **the Hon. DAMIEN TUDEHOPE** (25 September 2024).

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

Please refer to the Premier's answer in the Legislative Assembly question time on 25 September 2024.

### WILDLIFE SAFETY AND ROADS

In reply to **the Hon. MARK LATHAM** (25 September 2024).

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

I am advised:

Transport for NSW is not aware of the report of road kill on Calf Farm Road and Spring Creek Road, Mount Hunter. Wollondilly Shire Council who manages these roads may be able to provide more information about the reported wombat strike and any planned mitigation.

As a species threatened with extinction, priority is given to koalas in Transport for NSW efforts to reduce wildlife vehicle strike. The New South Wales koala population has declined by at least 26 per cent in New South Wales over the last 20 years. While every death of a native animal on the road is a cause for concern, common wombats are found across much of the south-eastern parts of New South Wales and live in areas of natural bushland and farm paddocks.

Transport for NSW does install wombat advisory signs to warn drivers of the potential for wombats on the road and are installed in the areas of greatest need.

Following a successful international symposium held in May this year which canvassed emerging technologies to reduce the incidence of wildlife vehicle strike, Transport for NSW is committed to trialling the most promising emerging technologies on the State's roads. Further information is expected to be made public by the end of the year. These measures are expected to be of benefit to the State's wombat population.

Transport for NSW has launched its annual "Animals on country roads" public education initiative to help remind motorists to drive safely around animals. Social media, radio and digital displays are rolling out to remind motorists how to stay safe around animals on the roads.

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

### *Bills*

## **ROAD TRANSPORT LEGISLATION AMENDMENT (SPEED CAMERA DETECTION) BILL 2024**

### **First Reading**

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

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

**Statement of public interest tabled.**

**The Hon. TARA MORIARTY:** 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. TARA MORIARTY:** 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.**

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

### **Second Reading Debate**

**Debate resumed from an earlier hour.**

**Ms ABIGAIL BOYD (14:03):** As I was saying, the payments will be made by the NSW Police Force, enabling a smoother payment process and easier tax time for injured officers. The Police Amendment (Police Officer Support Scheme) Bill 2024 creates the framework for the new Enhanced Police Support Scheme [EPSS], but no detail of the scheme is included in the bill. The Greens have concerns about this. We are aware that significant behind-the-scenes jostling and negotiations took place in the final days before the bill came to this House. But we are told that the Police Association of New South Wales has been able to get comfortable with where the provisions will land. I thank Pat Gourley for his advice and consultation on this issue. I hope the Government is true to its word and that we see regulations that the Police Association is happy with. We know, from what has been made public in places other than in the bill, that many of the conditions from the Police Blue Ribbon Insurance [PBRI] scheme will roll over into the EPSS with minimal to no change.

The most significant departure from the previous scheme is the revocation of the lump sum payment for temporary and permanent disablement. Under the PBRI scheme, officers who were deemed temporarily or permanently disabled would receive a lump sum payment, the value of which would diminish according to the

age of the officer, relative to retirement age. Under the new scheme, it is proposed that there be an extension for an additional three years beyond the existing seven years of supplementary support payments for officers who have suffered a catastrophic or exceptional injury. This three-year extension would maintain the supplementary support payment of up to 75 per cent of their salary if the officer is assessed as meeting the criteria for a catastrophic injury as defined under part 9 of the *Workers Compensation Guidelines*, or an exceptional injury.

An exceptional injury application will be assessed on the papers by a panel made up of representatives from the NSW Police Force, the Minister for Police and Counter-terrorism and the Police Association of New South Wales, for recommendation for approval by the chief of police. The value of the benefit is the same for all ages—that is, there is no sliding age scale—up to age 68. In her speech in reply in the other place, the Minister spelt out what is intended by an "exceptional injury" in the context of extension payments, as follows:

- (1) An exceptional injury for a person who is or was a police officer is an injury that renders the person—
  - (a) totally incapacitated, and
  - (b) unlikely ever to engage in any gainful profession, trade or occupation for which the person is reasonably qualified by reason of education, training or experience.
- (2) To avoid doubt, in assessing whether a person who is or was a police officer is unlikely to ever engage in a gainful profession, trade or occupation for which the person is reasonably qualified by reason of education, training or experience the assessment—
  - (a) is not confined to an assessment of the person's capacity to be a police officer, and
  - (b) will consider the person's broader ability to engage in any profession, trade or occupation to earn an income.

It could be reasonably understood from this language and the policy choice to avoid a lump sum payment in favour of continued income support that there is a policy intention of actively working to bring injured workers back to work. While this is a noble aspiration, and a whole-of-government return-to-work framework was an important recommendation emerging from the most recent review of the workers compensation regime in New South Wales by the Standing Committee on Law and Justice, I put on the record The Greens' concerns. Our concerns stem from the high level of concentrated power given to the NSW Police Force over the operation of this regime.

The catastrophic injury payment will not kick in for seven years and is likely to be a bit of a non-event when the police-operated government insurer is claiming to be "looking after injured police and getting them back to work". This claim is difficult to believe, as it would require a complete 180-degree change in police culture and management. At the risk of sounding cynical, promises of a new Police Wellness Command are hollow comfort in this regard. But you have to start somewhere, and so I wish that command the very best. As The Greens spokesperson for work health and safety, I will be taking a keen interest in the evolution of that reform.

Under the PBRI scheme, an officer seeking to make a claim lodges the claim on Aware Super and the insurer, TAL. If the claim is accepted, the matter resolves, but if the claim is denied the most common options to challenge the decision are typically to seek an internal review; to lodge a complaint with the Australian Financial Complaints Authority; or to file proceedings, typically in the equity division of the Supreme Court. Most police officers' matters were accepted claims and very rarely would a dispute require much more than an internal review. Under the new regime, the claims dispute resolution process will change substantially.

The new scheme will put dispute resolution into the Personal Injury Commission, and the model of dispute resolution will be the same as that used in the workers compensation scheme. We can infer from this structure that it is likely that a claim will be lodged under the EPSS scheme, with the bill making provision for Insurance and Care NSW to conduct reviews of decisions. If the claim is denied on review, an application can be lodged with the Personal Injury Commission, where it will follow a path similar to the New South Wales workers compensation dispute resolution model.

The bill gives the power for a referral to an approved medical specialist, but it is unclear from the text of the bill if that will be mandatory. I would welcome any information the Government is able to provide in that regard. I understand a commission member will conduct a conciliation with the parties before making a decision. If a party is unhappy with the decision of the member, they can appeal to the Presidential Unit of the Personal Injury Commission, and any appeals from there go to the Court of Appeal. The bill creates a new division within the Personal Injury Commission for the purposes of administering the Police Officer Support Scheme. There is no requirement that the officer die or become incapacitated as a result of work. Therefore, claimants will include police officers who were hurt on duty but also police officers who were hurt off duty, and some claimants will also have workers compensation entitlements and some will not.

It will be interesting to see if there becomes a mechanism to resolve disputes that cross both divisions. For example, if both Employers Mutual Limited and the Treasury Managed Fund issue a section 78 notice for weekly payments and payments are denied under the police officer support scheme, can they be resolved at the same

time? Or will someone need to effectively run the same argument twice? If so, could an injured officer get inconsistent decisions on work capacity? I hope those questions will be resolved when we get further detail in the regulations.

It is likely that the primary motivation for creating this new police-specific division in the Personal Injury Commission is to keep dispute resolution about what is effectively a weekly payment out of the courts in a low-costs environment, where similar disputes are already determined. The creation of the new division seems primarily designed to separate costs and expedite the decision-making process for police officer claimants. The bill appears to be a nominal improvement on the existing regime, and I take reassurance in the fact that the Police Association has been able to get comfortable with its provisions.

I do, however, want to express my disappointment at the paucity of ambition in this reform. While the 2011 reforms took us two steps backwards, this bill only takes us one step forward, at best. It will probably save the Government money, and most officers will experience no difference in the way their claims are handled and will be free of the unfortunate and onerous tax implications that arose from the old regime. But the true act of political bastardry that occurred in 2011 was not to do with the financial arrangements of the specific insurance product or the way it was administered. That was simply the justification that was provided to cover up the true effect.

The real damage that was done in 2011 was the removal of death and disability payments from being an award condition, upon which police officers, through the association, could bargain to make sure it was a responsive and fit-for-purpose regime that was accountable to the people it was meant to benefit. The Industrial Relations Commission [IRC] was denied all jurisdiction at that time over the administration of death and disability payments, and prohibited from considering any cost savings arising from changes to this regime. This was and remains an assault on the rights of workers.

To that end, I flag my intention to move an amendment to the bill to remove the prohibition on the IRC from considering cost savings as a result of changes to the death and disability scheme. This is an extremely modest amendment, which merely seeks to make the bargaining landscape for police the same as applies to all other public servants, and is in keeping with the principles of mutual gains bargaining that this Parliament agreed to earlier in this term. It makes no attempt to take us back to the far preferable situation where those rights were determined through award negotiations, and the determination of disputes over the rights was arbitrated in the industrial court.

I do not think this Parliament, nor the parties, are quite ready for that reform, but I place on record The Greens' preference for such an arrangement. It is our simple and straightforward position that any workplace condition, obligation or entitlement should be determined or at least co-designed by the workers to whom it applies, and that through the democratic and deliberative process of bargaining we are able to achieve the most responsive, effective and safe workplaces possible, to the benefit of all.

With that said, I hope the Parliament can at least see the wisdom and justice in supporting our modest amendment. Without bringing the Industrial Relations Commission fully back into frame, it would nevertheless remove the unfair and unusual provision that precluded the commission from even considering real savings achieved as a result of real changes to entitlements for police officers. I look forward to hearing contributions on this suggestion in the Committee stage. We support the bill.

**The Hon. ROD ROBERTS (14:12):** I contribute to debate on the Police Amendment (Police Officer Support Scheme) Bill 2024. I do not oppose the bill. I want to point out some issues that have arisen as a result of the introduction of this new scheme. Policing is a unique profession. It is hard for somebody to imagine unless they have walked in those shoes. Policing comes with inherent risks in terms of injuries and illnesses. They can be psychological or physical injuries, as a result of the unique profession of policing. Because of that, it is incumbent upon us as parliamentarians, and upon the Government, to ensure that our frontline police officers have an adequate workers compensation scheme that will protect them in the unfortunate event that something goes wrong. We hope it never goes wrong for them, but reality tells us there are lots of sick and injured police officers. I acknowledge the presence in the gallery of Deputy Commissioner Dean Smith. He would know exactly what I am talking about.

We need a robust workers compensation scheme that is fit for purpose. It probably needs to be unique because the profession is unique. The Police Blue Ribbon Insurance [PBRI] scheme was a good scheme. It was not perfect, but it was good. It was probably not financially sustainable in the way it was being administered. What it had, though, was a safety net of the opportunity, under total and permanent incapacity, for a lump sum pay-out to enable injured police officers, men and women, to transition their life from the policing profession towards something else. The new scheme takes that away, to its detriment. I am the first to admit that the old scheme was not financially viable or sustainable under its current model. That is not my problem, and that should not become the problem of frontline police. That is a problem for the Government and Treasury to sort out.



What was wrong with the PBRI scheme was that the cops used to have to contribute 1.8 per cent of their salary. Tell me any other profession that has to pay their own workers comp premium. Imagine saying to the Construction, Forestry and Maritime Employees Union, the Electrical Trades Union or any of the unions, "You have to start paying for your own workers comp." There would be uproar. Why there was not uproar from the police when this happened, I will never know. It did not back in my day. That was a bad thing.

The good part of the new Police Officer Support Scheme is that that has been removed. That has been recognised as a big issue. I acknowledge the work of Senator David Shoebridge. "The Shoe", as I affectionately call him, was not known for his love of the police. But he recognised the injustice in police paying for their own workers comp with a 1.8 per cent contribution and that that was taking them into a new category when assessing their superannuation, which left them with a financial penalty. This is a Federal issue. It was not done by the State; it was done federally. That was when Senator Shoebridge did some very good work. I acknowledge that today.

But the implementation and transition of the new scheme has been butchered. In her contribution the Hon. Susan Carter said that up to 300 police officers have gone off sick since this announcement. I first raised it at budget estimates some weeks ago when it was about 200, and that was not disputed by the commissioner at the time. I am going to outdo the Hon. Susan Carter. It is a bit like an auction. I will put in a higher bid. I tell the House that I have someone inside icare—it will probably not surprise you that I have people everywhere who talk to me—who tells me that, as of last night, 550 claims have been lodged.

At the moment the NSW Police Force is buckling under pressure from lack of troops, and because of the poor rollout and transition to the new scheme, we have put extra weight on it, and extra police have gone off. Why have they gone off? There are lots of sick and injured police officers out there who continue to work today. They are dedicated people, who are committed to the cause, and they are turning up. They have lodged a claim of injury, but they think, "I'll fight on. I can get better. I'll continue to work and hopefully I get better." The Government has said, "After 1 October 2024 we are going to take from you your capacity to get a lump sum under total permanent incapacity."

Let us assume for a moment that I am a sick police officer and I have some type of psychological injury. My thinking is that I will battle through this and come good. I will continue to work, knowing that if I have a legitimate illness or injury and this falls over for me, my scheme will enable me to get out and I will receive this compensation package. The Government has now whipped that away. If I want to protect my rights as a police officer under the workers compensation scheme, I have to lodge my claim before 1 October; otherwise, I miss out. This Government has forced injured frontline workers, who are still battling on, into a corner and wedged them. This Government has said, "If you don't get a claim in by 1 October, we're going to take it from you."

In response, those workers have done what every single member of this Chamber would do and exercised their right to look after themselves, their family and their future by lodging a claim. Based on the latest figures I have, from the time this scheme was announced in August until last night some 550 police have gone off sick. It has been a poorly handled transition. When I asked the Minister about it at budget estimates she said something, and after the lunch break Deputy Commissioner Smith had to clarify a few things. He had to patch up what the Minister had said. Nobody was really on top of it at all, even when we got to estimates. There was this lovely big announcement but nothing had been worked out properly. The transition has been botched.

I do not have the levers possessed by Treasury or the police Minister, and I do not have control of icare. However, I can say what the Government should have done. In the old days, I was under the pre-1988 scheme. Someone who joined the NSW Police Force before 1988 was under a certain superannuation and workers compensation scheme, which in those days was in lieu of poor wages. There was a decision to change that scheme because it was said to be financially unstable. The scheme had a cut-off date, which meant anyone who joined the police before 1988 was under the scheme they signed up to and knew that was part of their conditions of employment, and anyone who joined after 1988—I think it was April—knew they were signed up under the new scheme. They either accepted those conditions of employment or they did not join the cops. There was a clean and smooth date.

That is what should have happened with this new scheme. Someone who joined the Police Force before 1 October 2024 would be under the scheme that was applicable to them when they joined—the scheme they signed up for. Those would be the conditions of their employment entitlements. For years those officers have contributed 1.8 per cent of their salary in the belief that they had this insurance product. But those who joined after 1 October 2024 would be covered under the new scheme and would remain there. That is what should have happened on this occasion.

If that were the case, we would not have had 550 cops jamming in claims between August and now and weakening a system that is already burdened in supporting frontline policing. I can tell the House that at Burwood there is a patrol commander—I do not know what they call them now, but back in my day that was what an officer

in charge of a station and area was known as—who phoned the commissioner's office yesterday in tears because she could not make her frontline first responder agreement. Burwood did not have enough cops to meet the requirements, so the station had to drain surrounding stations of staff. That is an unsustainable model.

One has to question the Government's implementation of this scheme. As the Hon. Susan Carter said in her contribution to this debate, the scheme is probably not the best, but it is okay. The problem is how the Government has handled it. The Government has shown a lack of foresight of what would happen if it did this to workers. This Government is lucky that the Police Association of New South Wales and the men and women of the NSW Police Force are committed to their work. If they were a militant union, they would have made the nurses out the front of Parliament House last Tuesday look like a teddy bear's picnic. But they are dedicated and they are committed. The scheme has been handled poorly.

I commend Ms Abigail Boyd for the amendment she intends to move. Unfortunately, as Chair of the Committee of the Whole I will not be able to support the amendment Ms Abigail Boyd foreshadowed, but I urge other members to fall in behind it. It is a necessary part of giving back to the men and women who are police officers the ability to negotiate a decent wage after having traded off workers compensation rights and entitlements. That action should be taken into account in wage negotiations, which I understand is the premise of Ms Abigail Boyd's foreshadowed amendment. That is necessary, just and right. It is what should be done.

**The Hon. Dr SARAH KAINE (14:24):** I will contribute briefly to debate on the Police Amendment (Police Officer Support Scheme) Bill 2024 for a couple of reasons. I take a keen interest in workers compensation and how we deal with workers when they have had some type of injury or event at work. I am one of many members who have spoken in this second reading debate. Unfortunately, when a member is one of multiple speakers saying that the Police Force and other frontline workers deserve particular mention and regard, their contribution starts to sound like a platitude. But I join with other members in noting the debt of gratitude we owe to the workers who put themselves on the line for us day in, day out. We appreciate that.

I re-emphasise the point made by other members during this debate that the system in place through the Police Blue Ribbon Insurance scheme was not doing the job it was meant to be doing. It was not facilitating the number of police back into work that this and all other such schemes are intended to do. Of course, the idea of such schemes is that when workers are injured, employers try to make sure that those workers have the opportunity to be rehabilitated and to get back to work where possible. Clearly that was not happening to the extent it should have through the old scheme. The perverse tax implications and intricacies of Federal involvement were clearly issues that needed to be fixed. I am really pleased that the Government has done that.

I appreciate the contribution to debate by the Hon. Rod Roberts and accept that he knows a lot more about this area of the workforce than I do; he has probably forgotten more than I could ever know. But I commend the police Minister and her staff for the work that I know was done in consultation, and acknowledge the presence of the deputy commissioner in the President's gallery. I take issue with the Hon. Rod Roberts saying the police union is not militant. There are different ways of representing workers. He characterised some unions as militant and others as not, but there are different ways of approaching it. I do not think the Hon. Rod Roberts intended to suggest that the nurses did not care about their work.

**The Hon. Rod Roberts:** I never suggested that.

**The Hon. Dr SARAH KAINE:** Exactly. But I would suggest that the Police Association of New South Wales has represented its members well and in good faith throughout the process, which must have been extremely difficult given the intricacies, the legacies, the history and the impact on workers going forward. I particularly call out that the Police Association, the police officers and the Minister engaged in a manner that allowed complex negotiations to be settled. These things are not easy. Let us not allow perfect to get in the way of good. The current negotiations will at least sort out some of the key issues that were quite apparent with the old scheme. I reiterate that the new scheme will support injured police officers and will emphasise getting them back to work, which is important. It will also bring the process back into public hands, which is something the Government has emphasised, and in my view will allow greater oversight. From what I understand, the taxation issue was a big issue and a big concern, and that has been resolved.

Lastly, I address a suggestion or implication by the Hon. Susan Carter that there was some kind of broken election promise by not keeping the Police Blue Ribbon Insurance scheme. The election promise was that a scheme would be maintained or made better. I know there might be some divergence as to whether that is the case, but on a lot of the issues that I and other speakers have mentioned we can see an improvement. As the Hon. Rod Roberts pointed out, the Government also needed to have an eye for the financial sustainability of a scheme over time. I commend the bill to the House. I acknowledge the contributions made by others. I particularly acknowledge the collaborative approach, which I know at times must have been tense and tricky, but has resulted in what could be described as a better outcome than we had in the past.

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (14:30):** In reply: I thank all members for their contributions to debate on the Police Amendment (Police Officer Support Scheme) Bill 2024. I particularly acknowledge the comments of the Hon. Susan Carter, Ms Abigail Boyd, the Hon. Rod Roberts and the Hon. Dr Sarah Kaine. I also acknowledge Deputy Commissioner Dean Smith and Mr Darren Bark from the NSW Police Force, who are both present in the public gallery today. I make the following comments in response to certain matters raised during the debate. I address comments that the election promise was that the Police Blue Ribbon Insurance scheme would stay unless there was a better scheme. In fact, the letter stated:

Our commitment to maintain the scheme should not prevent improvements or a better scheme being agreed to and introduced during the first term of a NSW Labor Government.

That is exactly what the Government is implementing: a better scheme. The scheme is better in a number of ways. Firstly, the new scheme provides a streamlined approach for accessing supplementary support payments for all work-related injuries to improve officer experience; on-duty claims will now be administered by the NSW Police Force; off-duty claims will continue to be administered by TAL Life Limited; and death cover will continue to be administered by Aware Super. Secondly, the new scheme also provides improved coverage and supplementary support payments for eligible officers injured on duty, for up to 10 years. Thirdly, it provides improved off-duty support benefits, with income protection payments up to three years.

Fourthly, no officer will be left without cover as we transition from the Police Blue Ribbon Insurance scheme to the Enhanced Police Support Scheme. Fifthly, there will be no additional costs to officers, with salary sacrifice contributions remaining the same. Sixthly, the Enhanced Police Support Scheme aims to address the longstanding concessional contribution cap issue. Seventhly, no additional steps are required for commanders or managers. Finally, both NSW Police Force Shared Services and Health, Safety and Wellbeing will be involved in the enhanced support provided to our injured officers. The officer experience will be enhanced to support a positive return to the workplace for some of our officers.

Some members also said that New South Wales is losing police officers. That is a legacy problem left to this Government by the former Government. It had no plan for police officer recruitment or retention. It took their wages backwards and kept wages low by capping the public sector wage rises at a dismal 2.5 per cent per year. That meant the wages of those serving our public—like police officers, paramedics and nurses—went backwards in real terms. I understand that, in her speech in reply, the Minister in the other place also outlined the definition of "catastrophic" and "exceptional" extension payments in the regulations. The new scheme is about helping people get back to work, making sure they are looked after and, if they cannot be a police officer, assisting them to get another job.

Lastly, I acknowledge the fantastic work done by the Minister for Police and Counter-terrorism. She has worked closely and in lockstep with the Police Association of New South Wales and other government agencies to achieve significant change. I know it has not been easy to reach this point. I acknowledge the hard work of the Minister for Police and Counter-terrorism and her team. I acknowledge others who were involved in the development of the scheme, including those in the NSW Police Force, icare NSW and the State Insurance Regulatory Authority, Treasury, the Premier's Department, the Cabinet Office, Parliamentary Counsel, and the offices of the Minister for Police and Counter-terrorism, the Minister for Industrial Relations, the Treasurer and the Premier. I commend the bill to the House.

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

**Motion agreed to.**

### In Committee

**The CHAIR (The Hon. Rod Roberts):** There being no objection, the Committee will deal with the bill as a whole. There is only one amendment: The Greens amendment No.1 on sheet c2024-174A.

**Ms ABIGAIL BOYD (14:35):** I move The Greens amendment No. 1 on sheet c2024-174A:

No. 1 **Amendment of Industrial Relations Act 1996 in relation to Commission's jurisdiction in respect of death and disability payments for police officers**

Page 12, Schedule 3.1, lines 3–6. Omit all words on the lines. Insert instead—

[1] **Section 146D Commission has no jurisdiction in respect of death and disability payments for police officers**

Omit section 146D(2).

[2] **Section 146D(9), definition of "death and disability payments"**

Omit "has the meaning it has in Part 9B of the *Police Act 1990*".

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (14:37):** I thank the member for the amendment. The Government is not opposing the amendment. The clause in question specifically refers to the Police Amendment (Death and Disability) Act 2011. As we are moving to a new scheme with the bill, the Government acknowledges that the clause is unlikely to contain the same meaning that it previously had when introduced into the Act. The Government does not oppose the amendment.

**The Hon. SUSAN CARTER (14:38):** The reasons for the amendment have already been eloquently outlined, so the Opposition is also happy to support it.

**The CHAIR (The Hon. Rod Roberts):** Ms Abigail Boyd has moved The Greens amendment No. 1 on sheet c2024-174A. The question is that the amendment be agreed to.

**Amendment agreed to.**

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

**Motion agreed to.**

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

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

**Motion agreed to.**

### Adoption of Report

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

That the report be adopted.

**Motion agreed to.**

### Third Reading

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

That this bill be now read a third time.

**Motion agreed to.**

### Motions

#### FORESTRY ACT: REVOCATION OF DEDICATION

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (14:40):** I move:

- (1) That, according to section 15 of the Forestry Act 2012, this House agrees to the proposal tabled in this House on 24 September 2024, being a proposal for revocation of a dedication of land situated in the Bago State Forest, Parish of Wallace, County of Selwyn, being part of Lot 2 and part of Lot 3 in Deposited Plan 755895 in Bago State Forest No. 560 Extension No. 41 and an adjacent unidentified triangular parcel of land in Bago State Forest No. 560 Extension No. 34.
- (2) That the foregoing resolution be communicated by Address to Her Excellency the Governor.

This is a motion to revoke the dedication of approximately 32 hectares of Bago State Forest. This step will enable land to be acquired for the purposes of building infrastructure critical to the delivery of the Snowy 2.0 Transmission Connection Project. The Snowy 2.0 Transmission Connection Project has been determined to be critical State significant infrastructure and will make an important contribution to moving New South Wales towards a clean energy future. Snowy 2.0 will deliver an additional 2,000 megawatts of dispatchable, on-demand generating capacity and deliver enough energy storage to power three million homes over the course of a week. This connection project will enable energy from Snowy 2.0 to be passed into the grid, powering homes across our State.

I am advised that the environmental impact statement did not find any issues that would preclude the approval of the project by the consent authority and it attained State and Commonwealth planning approval in 2022 under the former Government. No significant impacts to biodiversity are expected across the project, particularly on this land parcel. The land in question is currently managed and controlled by the Forestry Corporation of NSW, which is supportive of this revocation. From a forestry aspect, the vegetation that had been on the land was considered low-grade material, suitable only for woodchipping. The acquisition by Transgrid of approximately 32 hectares of Bago State Forest is a necessary step that will allow for the next steps in the

construction of a substation to proceed. This will enable Snowy 2.0 to efficiently transfer renewable, affordable energy to the grid. However, before the land can be acquired, the State forest dedication of this land must first be revoked, and that is what the motion proposes.

Under section 15 of the Forestry Act 2012, the revocation of any State forest land over 20 hectares must be done by the passing of a motion in both Houses. Today, the Government moves a motion in this House to approve the revocation of approximately 32 hectares of Bago State Forest to deliver this important project. This is an important milestone in ensuring that new generation electricity assets are in place for Snowy 2.0 for the benefit of our State and our nation. This revocation will assist the delivery of renewable energy that will help secure our energy supply and lower carbon emissions to help New South Wales meet its targets and Australia meet its international commitments. For those reasons, I commend the motion to the House.

**The Hon. WES FANG (14:43):** On behalf of the Opposition I indicate that we do not oppose the motion. The revocation of land in the Bago State Forest in southern New South Wales will assist Transgrid to acquire the land and will hopefully alleviate the need for the Government to compulsorily acquire land from landholders in the area who may be impacted by these renewable energy projects. The approximately 32 hectares of the Bago State Forest will instead be used for these renewable energy projects. I consulted with local landholders extensively during the HumeLink proposals numbers one and two, and also on issues around the Snowy 2.0 project. They agree that the use of the Bago State Forest over their prime agricultural land is certainly a more agreeable outcome.

It would be remiss of the Opposition not to point out that had a lot of these projects been undergrounded, as advocated by the local landholders and certain members during inquiries, this may have been avoided. However, the Government has chosen not to do that. I make one final observation: Should the Peter Dutton-led Federal Opposition be elected to government and roll out nuclear power in Australia, perhaps some of these renewable energy projects will not be required into the future. With those notes, I again reinforce that the Opposition does not oppose the motion.

**Ms SUE HIGGINSON (14:45):** On behalf of The Greens I indicate that we do not oppose the motion to revoke 32.62 hectares of Bago State Forest in the construction of the Maragle zoned substation, a piece of infrastructure that is related to the very important Snowy 2.0 project, as has been stated. I raise some issues with the way the motion has been brought to this place. As I understand it, this site and the revocation of the land has been known since about 2022, and the requirement to formally revoke the land requires the motion to pass this place and the other place. I disagree with the motion being categorised as a procedural motion, and along with my colleagues take very seriously the diminishment of public lands through either long-term leases or privatisation by stealth.

This land will remain in public hands through a technicality, where the Minister will own the land through a trust, while Transgrid constructs permanent energy infrastructure under a 99-year lease. I do not hold the Government responsible for the Opposition's privatisation of New South Wales transmission lines when it was in government. But the slices at the public lands estate, done in isolation and including lands that have native vegetation, should be resolved up-front so that there is a net gain in public lands under a nature positive principle. Today the Government opposed an item of formal business that simply called for it to ensure that where public land revocations and privatisation or long-term leases are known to be required in the public interest, all steps are taken to give adequate and early notice to the Parliament. It also called for a process to be developed so that changes in the management of public lands could be properly and completely compensated based on the principles of net gain and nature positive.

A brilliant article was published just over a month ago by the unstoppable and brilliant Georgina Woods. She reflected on how our system of thinking separates us from the world and creates a gap between us and nature where we cannot own it, and therefore we do not have responsibility for it. She wrote:

The good scientists and modellers involved in these activities know that our evidence-gathering, observations and models are incapable of encompassing the variety and particularity of life. They also know that robust evidence is not inevitably succeeded by action.

The article is a brilliant reflection on the most pressing issues that we face as a society. I encourage all members to read it. Georgina's observations are perfectly captured in the brief on the motion that I was provided, which stated that there were "no significant impacts to biodiversity, no threatened ecological communities or threatened plant species", that "the vegetation was low grade" and, as the Minister just reiterated, "only suitable for woodchipping". Seriously, folks. Seriously. That is how the Government described 33 hectares of native vegetation that is part of a contiguous landscape. It is shocking, but sadly not surprising. It is also an unacceptable way to view and describe native biodiversity in the current climate and in a biodiversity crisis. Whichever government entity prepared that brief should sit up and pay attention. All remaining native biodiversity is significant.

Bago State Forest has previously been significantly burnt in bushfires. Like most bushfire-damaged forests, it is in a state of recovery. Some of the areas that have burnt over the previous decade in the alpine area have been so extremely damaged that the ecosystems are irrevocably altered and may never recover. As the climate crisis deepens and more forests are damaged, with their foundations changed forever, it is a bitter pill that any forested landscape is impacted by the necessary transition to 100 per cent renewables and the decarbonisation of the grid. When, in the public interest, it is required that public land—particularly land with native vegetation—must be acquired and used for a different purpose, then we must have confidence that there is a process to account for those losses.

I will continue to reach out to the Government to find a way for land acquisitions to be always offset and for all biodiversity to be treasured as something to be respected and valued as the public asset that it is. I look forward to receiving earlier briefings on the inevitable future compulsory acquisitions of public native forests for renewable projects. I hope that the Government is open to taking the opportunity to proactively respect those landscapes in the preparation stage of developments, rather than as an afterthought, as was the case here.

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (14:51):** In reply: I thank the Hon. Wes Fang and Ms Sue Higginson for their contributions. I commend the motion to the House.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** The question is that the motion be agreed to.

**Motion agreed to.**

### *Bills*

## **MUSIC FESTIVALS AMENDMENT BILL 2024**

### **Second Reading Speech**

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (14:53):** On behalf of the Hon. John Graham: I move:

That this bill be now read a second time.

The Music Festivals Amendment Bill 2024 is an important piece of legislation. Music festivals are an incredible part of the social life of New South Wales and important to the people of this State. I will hand over to my colleague.

**The Hon. Wes Fang:** Point of order: The Minister has the call. She has already started her contribution and moved the second reading. The Minister must complete her contribution. She cannot simply hand over to the other Minister because he was late getting to the Chamber.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** I have sought advice from the Clerk. I have discretion as to who I call next. I call the Hon. John Graham.

### **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) (14:55):** I am pleased to speak in support of the Music Festivals Amendment Bill 2024. The bill seeks to amend both the Music Festivals Act 2019 and the Liquor Act 2007 and make any necessary consequential amendments to achieve some changes to the regulatory framework. The bill is another part of the Government's commitment to support vibrancy, music and culture in New South Wales. As we enter the summer festival season this year, the Government wants to ensure it fulfills its commitment to create a more supportive regulatory environment for music festivals.

Music festivals in New South Wales boost local economies, foster cultural tourism, employ diverse and skilled professionals and support activity for local businesses. That is especially the case in our regions. These festivals are some of the biggest events of the year in regional areas, attracting thousands from out of town to the north coast of New South Wales, out west and down south. Music festivals are a critical part of the Government's priority to ensure that regional areas share in the benefits of a vibrant and safe entertainment sector.

Festivals have an inherent social value. They bring communities together to bond over, celebrate in and experience music. Yet, in recent years, the music festival scene has faced unprecedented challenges, including COVID-19, large-scale weather events and increased labour and insurance costs. Consumer behaviour is increasingly unpredictable as music fans struggle with the cost of living. These challenges are felt across Australia and across the world, but they have been felt most acutely in New South Wales due to our regulatory system, which makes it harder and more expensive to do business in this State.

Many iconic festivals have been cancelled or significantly downsized, resulting in multimillion dollar losses for organisers and promoters and a loss of economic activity, particularly for regional areas. The Government acknowledges that this bill will not resolve all of the challenges facing the festival sector, but it does address concerns about the regulatory framework in New South Wales. Support for music festivals is an evolving conversation. The Government was happy to recently announce an initial \$3 million for a two-year Contemporary Music Festival Viability Fund to keep our leading festivals afloat while we work with industry to find long-term solutions.

I acknowledge that the conversation about festival regulation in New South Wales began following the devastating deaths of six young people at music festivals over the 2017-18 summer. I recognise the families of those young people, who have spoken about their grief and advocated for a focus on health and harm minimisation. In particular, I recognise and thank Jennie Ross-King, mother of Alex Ross-King, who through her grief became a powerful advocate for harm minimisation. The coronial inquest into the deaths by Deputy State Coroner Magistrate Harriet Grahame made many recommendations to improve safety at festivals. Many of those recommendations have since been discussed and debated in this Chamber. There is still more work to be done in this space, and I look forward to the Drug Summit later this year as a forum to have some of those discussions.

Since the commencement of the Music Festivals Act, the regulatory burden for music festivals has become significantly higher in New South Wales than in any other State or Territory. That has caused some touring festivals to skip New South Wales altogether. Music festivals formerly deemed "high-risk" or otherwise known as "subject" under the current regulatory framework are required to develop a safety management plan, meaning festival organisers must meet higher medical and safety standards. Over time, safety management plans have grown to capture information that is duplicated by other regulatory processes. That means festival organisers have needed to provide the same information to multiple government agencies via separate regulatory processes. In turn, that increases the costs on both the government side and the industry side, and it results in an increased administrative burden for the sector. Additionally, a significant portion of the financial burden on festivals comes from the high costs associated with user-pays government charges. That is why we have developed a series of reforms to refocus the framework towards health and medical matters and strengthen the Act's administrative provisions.

The package of reforms has been developed out of the findings of an agency review and covers four themes: firstly, refocusing the framework towards health and medical matters; secondly, reducing user-pays government costs to support the ongoing viability of festivals; thirdly, reducing barriers for minors to attend festivals; and, fourthly, improving governance and other administrative requirements. The first set of amendments seek to refocus the regulatory framework for music festivals towards health. Safety operations and best practice across music festivals have improved since the Act's introduction. That was the finding of the agency review. The medical and health elements of the safety management plan have been praised by both government and industry as being crucial to the improvement that we have seen.

There is a need to streamline the requirements and refocus on health and medical matters. The bill achieves that in several ways, firstly by amending section 6 of the Act to reframe the safety management plan to a health and medical plan. The bill removes the contents of the safety management plan in the Act and provides that the health and medical plan for a festival must be prepared in accordance with guidelines set out by NSW Health. The current decision-maker under the Act, the Independent Liquor and Gaming Authority, will be replaced by the Department of Creative Industries, Tourism, Hospitality and Sport, with the support of NSW Health and the NSW Police Force. As a result of this bill, the function within the department that will make decisions pertaining to music festivals will be performed by the deputy secretary of the Hospitality and Racing group.

The "subject" music festival designation is removed from the Act and is instead replaced with a requirement for all festivals to develop a health and medical plan—something that is not the case at the moment. Certain festivals will also be required to have their health and medical plans agreed to by NSW Health. To give this effect, section 5 of the Act will be amended to prescribe what factors the secretary of the department is to consider when determining whether a festival needs the health and medical plan agreed to by NSW Health. Those factors include advice from the Health secretary; advice from the Commissioner of Police; advice from the festival organisers; whether a prescribed event has occurred at a music festival or a related festival for which the music festival organiser was the organiser in the three years immediately preceding the proposed festival or the three previous events; and any advice from the Music Festival Roundtable.

The bill inserts new section 5A into the Act to introduce an appeal mechanism for music festival organisers to appeal against the secretary's decision that the music festival requires an agreed health and medical plan. That appeal to the Independent Liquor and Gaming Authority will be retained. That will ensure procedural fairness on behalf of festival organisers. The date an appeal must be lodged will be published in a ministerial direction. Importantly, an appeal may only be lodged on the grounds that a festival organiser is of the view that they have

put in place sufficient measures and controls to manage and mitigate against the health risks at the music festival, and thus they do not require an agreed health and medical plan. They will require a plan. They can appeal that specific condition.

The bill also includes a mechanism to enable the Commissioner of Police to propose conditions to the department that relate to law enforcement and safety matters on music festivals that require an agreed health and medical plan. Those conditions can be imposed on the liquor licence or can be included in a law enforcement and safety matters schedule to an agreed health and medical plan where it is deemed necessary by the department on advice of the NSW Police Force and where the conditions are not suitable to be included in the liquor licence.

Importantly, the secretary will give the music festival organiser the opportunity to comment on the proposed conditions and will consider the advice of the festival organiser before imposing the requirements. The secretary, following a determination to adopt conditions proposed by the Commissioner of Police, will be required to advise the music festival organiser and the NSW Police Force in writing. Additionally, the NSW Police Force will have enforcement powers under the Music Festivals Act and the Gaming and Liquor Administration Act to enforce the following activities under the Act: any condition being imposed on a law enforcement and safety matters schedule, and requirements for organisers to maintain an incident register. Those matters closely reflect the existing law.

I now turn to the issue of user-pays government costs and new section 19D, which relates to the imposition of government charges for music festivals. In other Australian jurisdictions, festival organisers are generally required to cover the costs of user-pays policing and other government costs, but those costs are usually lower, or the number of police or services required are generally less than in New South Wales. For example, in Victoria, if festival organisers can demonstrate that the imposition of user-pays policing costs threatens the viability of their event, they can and do appeal to Victoria Police's chief financial officer to have the charges waived entirely. To better align New South Wales with other States and Territories, festival organisers will be able to apply for an internal review of user-pays charges by those agencies. For example, this will be an internal review by the NSW Police Force for user-pays police charges, and an independent internal review pathway for user-pays ambulance costs will also be available.

In addition, for those festivals experiencing significant financial viability issues as a result of user-pays charges, the bill introduces a new pathway for festival organisers. I stress that this will be in limited circumstances where the financial viability of a festival is at risk, but the bill allows festival organisers to appeal on financial viability grounds, in exceptional circumstances only, for financial support. That appeal will be considered by a panel comprised of representatives from Sound NSW, Destination NSW and the Premier's Department. Any appeal would need to meet and be assessed against a robust and narrow set of criteria. A ministerial order will be developed that will outline the application process and set out the criteria and grounds for an appeal. That provision will commence on proclamation.

I now turn to amendments to the Liquor Act, which will support festivals. The Government is committed to encouraging all-ages events to occur safely in New South Wales, as other States do. There is no prohibition in either the Music Festivals Act or the Liquor Act on minors attending music festivals. However, the observation has been made that New South Wales has the least friendly arrangements for those provisions. The bill will rectify this by inserting new section 127A into the Liquor Act to encourage all-ages events where it is safe and appropriate to do so.

New section 127A (1) will enable unaccompanied minors aged 16 and over to attend licensed festivals by ensuring that a condition on the festival's liquor licence that requires minors 16 and over to be accompanied can be put on the licence if Liquor and Gaming NSW or the Independent Liquor and Gaming Authority is satisfied that the licensee has not put in place sufficient control measures to manage and mitigate the risk of minors obtaining liquor. New section 127A (3) provides a defence to the offence of breaching a licence condition that requires minors to be accompanied if the licensee has made reasonable efforts to ensure that minors are accompanied. I will turn to the governance and other administrative requirements.

**The Hon. Damien Tudehope:** This is the same speech.

**The Hon. JOHN GRAHAM:** You may think it is the same speech. The bill makes several amendments to the Music Festival Roundtable to improve the flexibility in establishing governance arrangements and processes. I note the remarks of the former Government Minister, Victor Dominello, in his contribution to the debate in 2019 in relation to the Music Festival Roundtable. This was a controversial measure at the time and one that I am glad this House placed into the legislation. The Government Minister at the time said:

To prescribe it in legislation is ludicrous. We might as well prescribe the date upon which I must meet. Should I meet every Monday at 10 o'clock? Should I serve tea and scones? Should the jam or cream go first? We might as well put that in the legislation.



The now Minister, Yasmin Catley, interjected, "Don't trivialise it." The work that the roundtable has done and the contributions it has made are anything but trivial. Passed by this Parliament, it has been an incredible step towards safety in the sector. I have sat in the meetings and seen the immense value that comes from government and industry working together to achieve positive outcomes.

The bill makes changes to the existing set-up of the roundtable. I thank the Hon. Rod Roberts for his support of the roundtable measure when we established it through the Music Festivals Act 2019. At the time the Hon. Rod Roberts said, "A roundtable is a good idea; it enhances the spirit of cooperation." I have seen for myself how that has worked. Having a dialogue between government agencies and festival organisers has made a real difference on the ground to the safety of the festivals.

The Opposition in the other place successfully moved an amendment to include a regional representative on the festival roundtable. I thank the Opposition for its support of the bill and support of the approach. It was a sensible amendment to the bill, which is why the Government welcomed it. I note that The Greens have proposed an amendment to include a member nominated by Harm Reduction Australia. The Government is supportive of that approach in principle and will be certainly looking to appoint someone from that organisation. The Greens will move a number of amendments to the objects of the Act. All amendments will be discussed further in the Committee stage.

The reforms are a direct response to the findings of the legislative review. I thank all the groups that contributed to the review. I also thank the Australian Festival Association, which has been engaging constructively in consultation on the bill. I recognise managing director Mitchell Wilson, chair Adelle Robinson and deputy chair Jess Ducrou for their consultation and collaboration. I also recognise former managing director Julia Robinson for her advocacy.

I thank my ministerial colleagues, particularly David Harris, Yasmin Catley and Ryan Park. Their teams have worked very closely on engaging on this bill. I also thank all the agency staff—Liquor and Gaming NSW, Sound NSW, the NSW Police Force and NSW Health—for their thorough work on the bill and the issues facing festivals. I thank the shadow Minister for the Arts and Heritage, Kevin Anderson, for his support for the bill. His advice has been helpful in getting the Government to this point. The bill comes at a sensitive time, and the Government is conscious that the summer festival season will start shortly. That is one of the reasons why we are bringing the bill to the House today.

**The Hon. DAMIEN TUDEHOPE (15:13):** I lead for the Opposition in debate on the Music Festivals Amendment Bill 2024. The Opposition supports the bill. I welcome the acknowledgement by the Minister about the cooperation of the Opposition on the bill. The details were substantially dealt with by the shadow Minister in the other place, so I will not canvass them here. I thank the Minister for the acceptance of the several Opposition amendments, which he alluded to. However, the Opposition will put a further amendment, which I will cover in the Committee stage.

I would like the Minister to address in his reply some broader concerns that the Opposition holds relating to user-pays government services such as police, ambulance and firefighters. The Opposition supports the new section in the bill that allows for a panel to determine potential exemptions from those costs for music festivals, but Opposition members would like to see a commitment from the Government that it be rolled out more broadly. We believe that sporting events, non-music festivals, smaller arts events and other major events should also have access to an exemption in appropriate circumstances. Obviously, the Music Festivals Act is not the appropriate place for that, so we will not move an amendment today, but I seek a commitment from the Minister that the Government will move on making this facility available to all events.

I had thought that I would never be able to return to this place and contribute in the way I was able to do at a previous time, but this is a debate that requires some artistic contribution, because music festivals have always been critical to the vibrancy and culture of New South Wales. I note that the Minister seeks to emulate some of a previous Minister's contributions. Most people I know think that I'm crazy, and I know at times I act a little hazy, but I still recall vividly the thrill of participating in Australia's first music festival, Pilgrimage for Pop, at Ourimbah in January 1970. I was there seen dancing to the catchy tunes of Billy Thorpe and the Aztecs. Memories, memories. I had just returned from visiting New York State. By the time we got to Woodstock, we were half a million strong and everywhere was a song and celebration. Our host was my good friend dairy farmer Max Yasgur. He addressed the crowd at that iconic festival and said, "You've proven to the world that a half a million young people can get together and have three days of fun and music and have nothing but fun and music, and I—God bless you for it!"

In January 1973 I recall driving down the road to Tamworth. It was a long, straight road and the engine was deep. I couldn't help thinkin' of a good night's sleep, and the long roads of my life were a-callin' me. I saw Joy McKean awarded the first of the 500 Golden Guitar awards so far presented at the Tamworth Country Music Festival for writing the Slim Dusty song *Lights on the Hill*. Many members will not remember, but in 1990 I was

so tired of cryin' but was out on the road again. I was goin' up the country to someplace where I've never been before to hear Canned Heat perform at the first Bluesfest at Byron Bay.

In 1992, at the first Big Day Out, I heard Violent Femmes make an appeal on behalf of the festival—originally planned as a one-off event—to let me go on, like I blister in the sun. Big hands, I know you're the one. With this bill, the Minister for Music and the Night-time Economy is extending his big hands to help music festivals go on. I am delighted to report to the House that, 32 years later, Violent Femmes are performing at the Good Things Festival in December this year. The event at Centennial Park will be a 16-plus event and will be held under the new, friendlier rules introduced by this bill. The first Big Day Out was indeed a big day out. By the evening, we were still singing with Nirvana:

With the lights out, it's less dangerous  
Here we are now, entertain us

I do not even know who half these people are. In 2001, catching up with all my music festival buddies at the first Splendour in the Grass festival, I am told we sang with Powderfinger:

It seems an age since I've seen you  
Countdown as the weeks trickle into days  
I hope that time hasn't changed you  
All I really want is for you to stay

We want our music festivals to stay, and this bill will help. Before we meet again in this place on 15 October, we can all have had our spirits lifted from a trip to the Narromine Dolly Parton Festival, which was single-handedly saved from cancellation by the earnest appeal of the Deputy Leader of the Opposition in a question asked in this place of the Minister for Music and the Night-time Economy. I am going with Dolly:

Back through the years I go wandering once again  
Back to the seasons of my youth

I am thinking of all the festivals I have enjoyed over the last 55 years, but I can also look forward to enjoying more music festivals in the future. In January 2025 it will be one for the money, two for the show, three to get ready, now go, cat, go to Parkes for the thirty-second Elvis festival. Its theme commemorates the unforgettable 1967 musical comedy *Easy Come, Easy Go*:

Easy come, easy go  
Here, there, everywhere  
Crazy love is in the air  
Nightfall, mmm, day and nightfall  
So many girls in every port

But enough about that. In April 2025, we can return to Byron Bay for what we hope is not the last Bluesfest. We can hear Crowded House remind all festival lovers:

There is freedom within  
There is freedom without  
...  
There's a battle ahead  
Many battles are lost  
But you'll never see the end of the road  
While you're travelling with me

For my fellow music festival fans:

Hey now, hey now  
Don't dream it's over  
Hey now, hey now  
When the world comes in  
They come, they come  
To build a wall between us  
We know they won't win

I commend the bill to the House.

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** I sincerely thank the Hon. Damien Tudehope for that contribution.

**Ms CATE FAEHRMANN (15:21):** Madam Deputy President—

**The Hon. Sarah Mitchell:** Are you going to sing for us?

**Ms CATE FAEHRMANN:** No, I am not. To be honest, it was disappointing not to hear the reasons why the Opposition is going to support this bill in its current form.

**The Hon. Wes Fang:** Where's your sense of humour?

**Ms CATE FAEHRMANN:** It is a serious issue, and the history of it is serious. The contribution from the Opposition leader was fine, but it would have been good to hear some arguments. I make a contribution to the Music Festivals Amendment Bill 2024 as The Greens spokesperson for music and the night-time economy. I must say from the outset that it is disappointing that we are not repealing this bill today and inserting the various provisions from it into relevant legislation, such as putting the health and medical plan provisions into health legislation. This is probably the only bill of its kind globally. No other State or Territory has felt the need to introduce a special Act to specifically regulate music festivals. They deal with the health and safety issues via the relevant government agencies and via guidelines, protocols and regulations.

I ask again: Why is it that New South Wales feels the need to have a special law for music festivals? This bill exists in a framework whereby there have been complaints about regulatory burdens and high policing costs. The Minister says that this bill is before the House to try to deal with these issues, but we could deal with them in a different way by reducing the regulatory burden. This bill does not do as much as its PR campaign over the last week has suggested. The public relations spin has suggested that this bill solves all the problems of music festivals in New South Wales, but it certainly does not. Before I get to the concerns The Greens have with the bill, I will firstly remind members of its history.

The bill arose after a spate of drug-related deaths at music festivals over a 13-month period from December 2017 to January 2019. Six young lives were lost: those of Nathan Tran, Diana Nguyen, Joseph Pham, Callum Brosnan, Joshua Tam and Alexandra Ross-King. A coronial inquest took place into those deaths and handed its findings to the former Coalition Government, which put regulations in place. On 30 May 2019 an inquiry was established after a bill came before this House that would ultimately become the Music Festivals Act. The inquiry looked into the impact of the Liquor Amendment (Music Festivals) Regulation 2019 and the Gaming and Liquor Administration Amendment (Music Festivals) Regulation 2019, and their potential impact on the industry. I was a member of the committee for that inquiry, as was the Minister for Music and the Night-time Economy. The submission to the inquiry from the Live Music Office [LMO] stated:

The impending introduction of the Music Festivals Regulations in February this year was accompanied by a strong response from music industry leaders, including the following from Peter Noble from Bluesfest:

*The NSW police regularly state that our policies are those of an industry leader in the supply of alcohol, field hospital, and crowd security and care. But, due to headlines in the media, our 30-year-old professional business is to be seriously damaged in a new policy imposed regarding festival presentation by a government who has rushed the judgement of our industry without full consultation of stake holders, or meetings with entertainment industry professionals.*

...

The LMO notes the Music Festivals Regulation development process. In a speech to the NSW Parliament on 23 October last year, the NSW Premier Gladys Berejiklian spoke to the guidance an established expert panel had provided to the NSW Government on music festivals, with the panel comprised of 3 representatives: Dr Kerry Chant, the Chief Medical Officer, Mick Fuller, the Commissioner of Police, and Philip Crawford, the Chief Executive Officer of the Independent Liquor Gaming Authority [ILGA], and that:

*The panel made the point that they wanted to thank many of the stakeholders who participated in the panel's work. Many leaders in the music industry and other critical stakeholders provided input to the panel's recommendations.*

To the best of our knowledge, the Live Music Office was not contacted to consult with the expert panel in the preparation of their recommendations, and understand that the panel was limited to Chief Medical Officer, the Commissioner of Police, and the Independent Liquor and Gaming Authority.

I fear that the consultation on this bill, while it was extended to some harm-reduction experts via the Music Festival Roundtable and the Australian Festival Association, did not go much further than that. The Music Festivals Act 2019 was established after the inquiry. It established a new regulatory framework for music festivals which gave the Independent Liquor and Gaming Authority the power to require higher risk music festivals that it designated as "subject festivals" to operate with an approved safety management plan. The bill before us replaces the requirement for subject festivals to prepare "safety management plans", to be approved by the Independent Liquor and Gaming Authority, with "agreed health and medical plans". This is supported by stakeholders, including those in the industry.

There is no doubt that this is better than what exists in the current Act. Removing the requirement for ILGA to designate certain festivals as subject festivals is a good move. However, the involvement of ILGA is problematic. This is particularly so with its involvement in appeals, which I will get into shortly. The changes in the bill give the power to the Secretary of the Department of Creative Industries, Tourism, Hospitality and Sport to determine which music festivals require an agreed health and medical plan. The Minister has stated that this power will be delegated to the deputy secretary of Liquor and Gaming NSW. The statement of public interest for the bill says that it seeks to improve the Act by:

... reducing the regulatory burden on the music festivals sector, re-focusing the framework towards health and medical matters, addressing the lack of flexibility and certainty surrounding the administrative requirements, reviewing the imposition of government charges for music festivals, and encouraging all aged events to occur safely in NSW.

Despite that promise in the statement of public interest, it is concerning that the bill does not go anywhere near far enough in terms of reducing the regulatory burden for festival organisers. I acknowledge that it reduces it somewhat, but it is still overly prescriptive; I will get to the reasons. The statement of public interest also states that the reforms in the bill aim to address the issues with the regulatory framework identified in the *Review of the Music Festivals Act 2019: Final report*. I have several concerns about that review. I understand that the final report was handed to the Government in April 2024—certainly it bears that date—but sat with the Government for four to five months. It was only posted to the Liquor and Gaming NSW website on 18 September, which was the day I received this bill and the day it was introduced in the lower House. It was after the bill was drafted that the final report was posted on the website.

The consultation for the final review, which took place with industry—with all sorts of music festivals, particularly subject music festivals—was more limited than that undertaken by the former Government with Minister Dominello in charge. That is incredibly concerning. The Government says that 13 stakeholders provided feedback to the final review. There were three festival sector stakeholders, including the Australian Festival Association [AFA]. I acknowledge that Mitch Wilson, managing director of AFA, is in the Chamber. Mitch does a fantastic job, and the AFA's work in supporting its members is excellent, but the festival industry goes way beyond the AFA. I think that is very important to note.

Consultation also involved two community and advocacy organisations—DanceWize NSW and Pill Testing Australia—and eight government agencies. Aside from the AFA, other festival sector stakeholders who provided input to the review were Live Performance Australia and contributors from the United Kingdom, including Major Events Boss Ltd, TLT Solicitors, and Casterton Events Ltd by submission only. That was it. I put on record that I was told by Liquor and Gaming NSW, in consultation with the Minister's office, that subject festivals were sent an email asking them to participate in the review. I have spoken with at least two subject festival organisers who say that they cannot recall being requested to take part in the review. I am unclear as to whether subject festivals outside of the AFA were consulted.

I turn to the key issues that The Greens have identified with the bill. I foreshadow that I will move amendments in the Committee stage and will speak to those in more detail then. The bill does nothing to address one of the key concerns arising out of the coronial inquest into the death of six patrons of New South Wales music festivals and both reviews of the Act: the heavy police presence, including sniffer dogs, at music festivals. The bill does nothing to rein in the practice of police charging music festival organisers exorbitant sums for an over-the-top police presence at these festivals.

I have a long history of attending music festivals, starting way back in the early 1990s. I am pretty sure the most recent festival I attended was the Mardi Gras Bondi Beach afterparty this year. We partied pretty hard in the early '90s; it was festival after festival. I remember going to the Livid festival in Brisbane to see many wonderful artists, including Nick Cave and Michelle Shocked. It was a lot of fun. Everyone who lived it remembers that when going to festivals, nightclubs and pubs in the 1990s, you did not have to walk past 40 police with sniffer dogs. You did not have to funnel through barricades. You were not stripsearched. That is how it is now in most other jurisdictions in the world. For example, at the Glastonbury and Coachella festivals, which both attract tens of thousands of people, there are maybe only a few police wandering around to ensure that everyone is safe and having a good time.

The bill before us continues the practice in New South Wales of heavy-handed policing at music festivals; it does nothing to address it. Everybody in the music industry, including music festival-goers, hoped this bill would address that issue. Given the coronial inquest finding that young people engage in riskier drug-taking behaviour when there is a high police presence at music festivals, they hoped the Minister was going to bring legislation to the table to do away with it. The hope was that common sense would prevail and that we would say, "You know what? It's not necessary."

Section 19 of the Music Festivals Act 2019 required the Music Festival Roundtable to review the operation of that Act. The review was to be undertaken as soon as practicable after 30 April 2020. A report on the outcome of the review was tabled in this House in 2020. The first finding of the 2020 review stated:

Organisers of high-risk music festivals have reported higher operating costs since the introduction of the Act, primarily relating to user-pays medical and policing arrangements.

Instead of addressing the issue of the disproportionately high numbers of police at music festivals in New South Wales compared with the rest of the country, this bill establishes an appeals process in the Act. Instead of dealing with one of the key issues that music festival organisers have been desperately screaming from the rooftops for

this Government to fix, the bill puts a convoluted process into law that validates the practice of police charging whatever they want for a police presence at festivals. Not only is it unnecessary, because these festivals have dozens, sometimes hundreds, of security guards present, but it is also proven to increase harm from drug use at music festivals.

Instead of ensuring that there is transparency around what the various government agencies can charge music festival organisers for their services by at least putting parameters and protocols and limits in place, the Government has added to the administrative burden by establishing an appeals process. By the way, the appeals process will not be place when the bill is assented to, and the Government has not confirmed a start date. I will be moving an amendment at the Committee stage to ensure that we at least have a confirmed date for when people can start lodging appeals. Also, when asked, the Minister's office could not explain how agencies would be reimbursed for fees waived, nor allay concerns that legislating the potential waiver or reduction of fees imposed by government agencies on music festival organisers will see funds shift from, for example, the music and arts budget to the police budget. It would be good if the Minister could let members know where the money is going to.

Last year in budget estimates I asked the police Minister a question about user pays. I recognise that the police charge out a lot of user-pays services. The NSW Police Force made \$88,785,000 from user-pays charges in 2023, compared with \$52,350,000 in 2019. That is quite concerning, considering that some of the festivals we have spoken to have been charged \$240,000, for example, by the police. When you add paramedics and other fees, that goes up to \$300,000. With however many festivals, pretty much every festival is going to struggle, because the festival sector is struggling. That appeals panel will certainly have its work cut out. Where does the money for reimbursing police go? We had an opportunity to knock that ridiculous practice on the head, once and for all, or at least set limits and boundaries, like Victoria and other States have done.

The bill allows for the involvement of the police in the following ways. Under new section 5 (2) the secretary may have regard to any advice from the Commissioner of Police when determining whether a music festival requires an agreed health and medical plan. I note the amendments in the other place, which we were pleased to see because we would have done the same. The original bill stated that the secretary must have regard only to the police's advice, not the advice of the other agencies. Where a music festival has been determined to require an agreed health and medical plan, the secretary directs the festival organiser to provide a copy of that plan to the health secretary and the Commissioner of Police.

The commissioner can then propose that the music festival organiser submit to the secretary a schedule about matters relating to law enforcement and safety. There is no definition of matters relating to law enforcement and safety that are not already covered in the agreed health and medical plan or in liquor licence conditions. Liquor licence applications for events of over 2,000 people, for example, already require a crowd management plan and a safety management plan. The secretary decides on those things, and they may require the music festival organiser to prepare a law enforcement and safety schedule about matters relating to law enforcement and safety for the music festival. They must submit a copy of the schedule to the Commissioner of Police.

After considering the music festival organiser's law enforcement and safety schedule, the Commissioner of Police may propose conditions to be included in the schedule. The secretary then gives the music festival organiser an opportunity to comment on the proposed conditions. This is yet more paperwork and time for the organiser. I note the ongoing statements by the Government about how it has reduced the regulatory burden for music festivals. I assume that a lot of festivals will need to put in place this law enforcement and safety schedule after the commissioner has requested it, and then the commissioner will come back and put in proposed conditions. The secretary must then give the music festival organiser an opportunity to comment. My goodness, think of the time frame!

A big issue for festivals is the toing and froing. This is going back and forth. The organiser has an opportunity to comment on the proposed conditions, which means yet more paperwork. The secretary must consider any comments made by the festival organiser and then either approve the law enforcement and safety schedule, including the conditions proposed, with or without changes. The secretary does not have the power to refuse the schedule. And the content of the law enforcement and safety schedule requested by the commissioner is covered by other things. There is no ability for the festival organiser to appeal any of that. The only appeal right they have is to the Independent Liquor and Gaming Authority, at the beginning of the process, if the secretary deems that they need an agreed health and medical plan. Then all the stuff with the police happens after that.

We know how much festival organisers have been saying the police are breaking their backs. That is the issue. But in internal discussions with this Government, the police have said, "We're not removing our power to tell music festivals to do this and do that. We will not let you do it in New South Wales." That is clearly what the bill does. The explanatory note and briefing to the bill and the statement of public interest downplay the role of the police. We look at bills forensically. It is complicated and multi-stepped, but when you pick it apart, you say,

"Bloody hell. There is way too much." The *Review of the Music Festivals Act 2019 Final Report*—the report that fed this bill—states:

Stakeholders from industry and community sectors described the punitive approach to addressing drug-related harm at music festivals as being incompatible with an evidence-based harm reduction model. To support their position, stakeholders referred to the latest research and expert advice in Australia's National Drug Strategy ... They stressed that high visibility policing tactics at music festivals are outdated and ineffective, with no evidence that punitive measures such as sniffer dogs and strip searches decrease drug use and harms.

Industry and community stakeholders urged the Government to acknowledge and implement recommendations from the 2019 Coronial Inquest and the 2020 Special Commission of Inquiry into the drug "Ice". Most notably, by limiting high visibility police tactics, implementing drug checking services, early warning systems, and drug education interventions at music festivals. Responses referenced the growing national evidence regarding the effectiveness of these measures in reducing drug-related harm at festivals.

The changes also remove any requirement for reporting back to the Parliament. Given the substantial reform in the bill and the ongoing issues with the viability of music festivals in this State, that is a serious omission. I have spoken with a number of people in the industry and the harm-reduction space. They have serious concerns with the bill. I put some of their email responses on record. First, an email from harm-reduction stakeholders states:

While it looks like the Police "law enforcement and safety schedule" will have some oversight by the Secretary of L & G our concerns still centre around the possibility that there will be no reduction in heavy-handed policing. Specifically

- The law enforcement and safety schedule can be imposed as a part of the health and medical plan or as part of the liquor license ...
- There is a mechanism for appeal of the Health plan ... to ILGA, an independent body however there is no similar appeal mechanism for police "law enforcement and safety schedules"

We are also concerned that the fees may be waived by the panel ... however what part of government would absorb these costs? ...

It also means that big commercial festivals that make money will have these costs imposed on them, or more accurately on the ticket holders, with no recourse.

Another one states:

The law enforcement schedule framework is concerning.

From a ground ops perspective, liquor licencing is king when it comes to on-site compliance (definitely higher priority than health guidelines compliance).

If this law enforcement schedule can become part of the liquor licence, then I would assume that breaches of that schedule could constitute a breach of liquor licence (none of this is detailed as far as I can see). I have significant concerns for the implications of police having this option and forcing compliance with operational demands via liquor licencing regulations.

I would hope that if the schedule were to be included in a H&M plan—

this is important and is not outlined anywhere—

that it would subsequently need to be consistent with that plan, i.e. not include policing practices that could create health/welfare risks (having a presence near medical/harm reduction facilities, blocking entries, exits and other bottlenecks, etc.).

Another states:

The responsibility moving away from Liquor & Gaming to Health ... is good but why do Police get to review and request changes for H&M Plans – which appears to contradict the very first intended outcome of the bill?

And who decides on reduction or waiver of policing fees?

Apparently there is an internal mechanism to appeal to government agencies, but that mechanism is not in the bill. We are told that it will be included in the guidelines. The existing guidelines are the old guidelines that talk about "subject music festivals". I have referred to those guidelines to try to work out exactly how certain things will be assessed, but the old guidelines are up. That is very confusing. There are also concerns that there is no appeal mechanism. The next quote is from a festival organiser:

Following Minister John Graham's announcement last week that "subject music festival" legislation was being repealed, lots of people have been in touch with the promoters behind Return to Rio, a boutique music festival in NSW to congratulate them on the good news that support is finally being provided to NSW festivals. Unfortunately, the reality for an event of their size (or any event for under 15,000 people) is that nothing will have changed since the organisers cited a 529% increase in costs caused by Government red tape meant they couldn't go ahead with the 2024 edition of Return to Rio (announced in May).

It provided this statement:

We've had a lot of messages celebrating the fact that our industry has finally "been handed a lifeline", so we thought we'd break down exactly what this means ...

Basically, for us at Return to Rio: nothing! Yes, festivals with over 15K attendees should be celebrating. Now, multi-national conglomerates can add an additional half a mill to their profit margins. While sadly, small independently owned Australian festivals will receive zero funding or support. This obviously has a ripple effect through the entire Australian music and arts industry, but particularly impacts local emerging talent who rely on these independent festivals.

In addition to this, the changes to the Festival Act seem to be just smoke and mirrors. Last year we incurred over \$300K in costs enforced by NSW Police and Health. It's great to hear that the authorities have finally abolished the absurd "Subject" classification that electronic music events were tarred with. But, however you rebrand this high-risk/subject label—if the NSW Police and Health still have full power to charge whatever they deem "necessary" then it's Groundhog Day.

Sorry, but we at Rio HQ, and our small festival-owner friends are not raising our glasses.

I recognise that there is an appeals process, but I do not know when that will be implemented. Return to Rio has been operating since 2012 and is one of Australia's best loved boutique music and arts festivals, catering to over 4,000 attendees on the banks of the Hawkesbury River. It prides itself on being one of Australia's most fun and colourful events, soundtracked by local and international music talent including the likes of Carl Cox, Sneaky Sound System, Simon Caldwell, Late Nite Tuff Guy and others.

Although it has been safely and successfully running since 2013, last year's event in October 2023 was the first year it went ahead since the introduction of the Music Festivals Act. As I said, police and medical costs to meet the new requirements increased by 529 per cent. The promoters feel events in New South Wales are being unfairly targeted compared with other States. Really, it seems that, although this process is well intentioned, the same approach is still there.

The Greens support moving the safety management plans and reducing the interaction of the Independent Liquor and Gaming Authority [ILGA] with the process. I am encouraged by the amendment in the lower House to change the advice from the Commissioner of Police, which the bill initially required that the secretary "must have regard to". We find it problematic that ILGA is the appeal mechanism, particularly because the review found:

Throughout consultation, concerns were raised by stakeholders about the appropriateness of the Independent Liquor & Gaming Authority's role in maintaining its lead as decision maker under the Act to determine which festivals should be subject, and also in approving Safety Management Plans.

Obviously, that has changed, but ILGA still gets the final say in the bill. As I said, The Greens are concerned about the Commissioner of Police being able to prepare a law enforcement and safety schedule and impose conditions without any breakdown or outline in the bill of what those schedules and conditions are. That is very concerning. In terms of the \$3 million over two years that was part of this announcement, the Return to Rio contribution highlighted that a lot of smaller music festivals are incredibly disappointed that the announcement was only for festivals with over 15,000 people. Honestly, that just does not make sense as an industry lifeline. Many really wonderful smaller festivals that contribute so much to this State think they are being treated as second-class citizens by this Government.

In relation to user-pays policing, I state for the record some of the fees that have been charged by the police and other agencies in this State. This bill does nothing to rein that in. Potentially, it could have the perverse outcome of the police charging more, if they know that the sum will be reimbursed by government and within government anyway. In New South Wales in 2023 a festival had 35,000 attendees, and 40,000 people attended it in Victoria. For the same police services, Victoria charged less than \$10,000 while New South Wales charged \$120,465. That is just one example. Other festivals include a three-day Bohemian Beatfreaks festival, which moved locations from northern New South Wales to Queensland because it was quoted \$200,000 in New South Wales for police services. The Greens heard recently about Mode Festival being charged \$50,000 for an event for 3,000 or 4,000 people on Cockatoo Island. On the last page of the review, a section entitled "Additional commentary on drug policy" states:

Broader drug policy issues were considered outside this review's scope as defined under the terms of reference. This theme, however, was raised frequently and with strong sentiment during consultation. Stakeholders' commentary around drug policy at music festivals in NSW will therefore be described here as additional content but the review makes no specific findings.

I mentioned some of the content of the review at the beginning of my speech, but the genesis of this bill is to try to reduce drug harm at festivals. For the review to recommend changes to the regulatory framework that do not really mention drug policy or comment on policing issues is a big disappointment, noting that this is taking place at a time when the Redfern Legal Centre is undertaking a class action for people who have been stripsearched at music festivals throughout a multi-year process. It is also worth noting this bill is being debated just a couple of months out from the Drug Summit, when hopefully there will be changes.

The recommendations of the coronial inquest into music festivals were ignored under the Coalition in 2019 when the regulation in the bill was brought in. It is five years later and the very first recommendations of the coronial inquest into those six deaths are the very reason we are debating this bill. We have music festival regulation in this State because of those six deaths, whereas no other State or Territory does. The first recommendation to the New South Wales Department of Premier and Cabinet by the coronial inquest into those six deaths is:

That the Department of Premier and Cabinet permits and facilitates Pill Testing Australia, The Loop Australia, or another similarly qualified organisation to run front of house medically supervised pill testing/drug checking at music festivals in NSW with a pilot date starting the summer of 2019–20.

The second recommendation is:

That the Department of Premier and Cabinet, working with NSW Health and NSW Police, fund the establishment of a permanent drug checking facility, similar to the Dutch model known as the Drug Information Monitoring System ...

The third recommendation is:

That the Department of Premier and Cabinet, working with NSW Health, research and support the development of technology to allow for the most sophisticated and detailed drug analysis to be made available on site at music festivals.

The fourth recommendation is:

That the Department of Premier and Cabinet, working with NSW Health, research and support the development of early warning systems at music festivals generally and arising from front of house and/or back of house drug checking.

Those are the first recommendations from the coronial inquest into the deaths of six patrons of New South Wales music festivals. Those recommendations were ignored by the Coalition when it was in government and were ignored today when members were making new music festival laws in this place. The inquest was not talked about. Instead, members debated a bill that continues the very behaviour that the coronial inquest found was potentially contributing to the deaths.

I mention Jen Ross-King, the mother of Alex Ross-King. I have met her multiple times to discuss the reduction of harm from drugs at music festivals and across society. Her beautiful daughter Alex was going to a music festival, saw the sniffer dogs, took all of her pills and died as a result. "As a result" is what the coroner found and "as a result" is what her friends said. I am sorry to Jen that members are again not putting in place the measures that they should to make music festivals safe. The Government is pushing it all down the road to a drug summit. The bill is not going to save music festivals, but Labor committed to doing something about it, and the bill is what it has brought.

**The Hon. ROD ROBERTS (16:01):** I make a contribution the debate on the Music Festivals Amendment Bill 2024. I say from the outset that I am supportive of the bill. My support for music festivals was clearly displayed back in 2019. I thank the Hon. John Graham for his acknowledgement of the small role that I played that evening. I think it is very important that we have a vibrant music festival community that is fun and safe. It ultimately rests with the government of the day to ensure that is the case. The Minister for the Arts, and Minister for Music and the Night-time Economy takes that very seriously, but he is also caught in the conundrum that some music festivals are not commercially viable.

My concern is with new section 19C of the Music Festivals Act 2019. I am concerned that the Government is "picking winners" through the bill by using taxpayer money to support enterprises that would not normally be commercially viable. Doing so would disadvantage other organisations and modes of entertainment that are financially viable, such as the National Rugby League, the cricket, the Australian Football League and A-League soccer. All those large audience participation events are required to provide and pay for policing. That is just part of it. Their business model is strong and robust enough to be able to do so.

There are members who say that festival organisers cannot make a dollar because of government charges, but that is commercial reality. If I was to open a business tomorrow and it did not look like it was going to stack up because of all the government charges, I can guarantee you that the government would not pass a bill to give poor old Roberts some money to make my business stack up. It would say that it is just the commercial reality. That is what it is, unfortunately.

I know, support and advocate for the need for festivals. I do not go to as many as the Hon. Damien Tudehope has clearly been to. He rattled off their names like Slim Dusty—"I've been everywhere, man." I am a big supporter of music festivals. Young and old, people who enjoy music and festivals need to have that outlet. Members need to find some form of balance, but I do not think the taxpayer should have to fork out for events that are not going to be financially viable. If it starts there, where does it stop?

On that point, I heard Ms Cate Faehrmann talk about how user-pays charges are dearer in New South Wales than in Victoria. That is obviously an issue, so I urge the Minister to conduct an overall review of user-pays charges for every industry—that is, rather than conduct a review just for music festivals, conduct a review for every industry so that there is a level commercial playing field. Then the Government is not seen to be picking one industry over another. That is something that the Government really needs to look at.

I have a practical concern. I note that the Minister's officers are present. I appreciated our conversation earlier today, in which I relayed an example from my understanding. I stand to be corrected by the Minister in his speech in reply if I have got it wrong. My example is that the Hon. Rod Roberts wants to run a music festival. It



would not be very good or sell many tickets, but let's say that I am a legitimate business that wants to run a music festival. I go to the police, ambulance and all those places to get a quote of what the costs will be. They are going to be astronomical, so I apply for an exemption because my festival will not be financially viable with all of those charges.

The panel grants me the exemption because the festival that I propose is a good festival that will bring some money to Sydney. It supports me by reducing or eliminating the fees. But what happens if my festival is an absolutely roaring success, and millions of dollars worth of ticket sales come in? I have not seen one clawback provision where I would have to refund the taxpayer for the money that I have been exempted from. There is no mention of that whatsoever. What if I am an international promoter? Do I get access to it, too? I could take the money that I make from the New South Wales taxpayer back overseas with me. It does not even go back into the New South Wales economy. There is no mention of that anywhere in the bill. That practical reality needs to be addressed. Is there a clawback? If not, there should be.

We are told that things will be in the guidelines. Pardon me, but no matter whether it is this Minister, any other Minister at the table or any government of any stripe, telling members to trust that such things will come later in the regulations or guidelines is not how a government or Parliament should be run. A clawback provision is really needed because we know that people will exploit things. We talk about festivals having to pay this and that, but they do, unfortunately. That is a fact of life. Some festivals are high risk. That is not because of the festival itself. I am not accusing the festival organisers of being part of the criminal element or having any nefarious intent. However, music festivals attract members of the criminal element. They are not there to enjoy the music or have a good time; they are there solely to sell illicit drugs because they know there is a gathering of people. It is not the festival's fault; that is just the reality. There is therefore a need for policing.

I understand that the Opposition will move an amendment for the police to sit on the panel that makes the decision. I applaud that. Again, I will not be able to vote for it because I will be in the chair, but I think that is very good. It may seem to be an extreme example, but the Commissioner of Police has to run to a budget as well.

**The Hon. Daniel Mookhey:** Hear, hear!

**The Hon. ROD ROBERTS:** The Treasurer says, "Hear, hear!", and rightly so. They have to account for the money they have got. We will see next week, with the release of my privileged documents, that they do not account for that money at all. There are millions of dollars unaccounted for. We will wait for next week, when the documents are released. The police have to run to their budget and therefore they are a business. They have a budget and have to explain the expenditure. A panel that the police have no say in at all will say, "You are providing 100 cops down here, but you are not going to get any payment for it. In fact, you will not even have any involvement in the panel that makes the decision." How does that make any sense at all?

If the cops are not getting paid but have to provide this service and have to answer to the Treasurer every year as to the balancing of their budget, what happens the next time a festival needs 100 cops and they say, for example, "We are only going to send five because we have to balance our budget"? Then there are only five cops at this event that has thousands of people. What happens if it goes pear-shaped because there are not enough cops there? This is the sort of thing that can happen. We need the police. In fact, I would have gone a bit further if I was in opposition; I would have had a representative from the Department of Health sit on the panel as well. They are equally affected because they have to provide paramedics to these events.

**The Hon. Damien Tudehope:** I think they are.

**The Hon. ROD ROBERTS:** I do not think they are. We will see when we get to the Committee stage. I think the bill is a step in the right direction. I have concerns, but only with section 19C and the user-pays matters. I look forward to the Minister addressing my concerns in his speech in reply.

**The Hon. JACQUI MUNRO (16:11):** Fyre Festival was a luxury music festival, marketed to lure the rich and the famous, the social media influencers and those who simply wanted a totally unique festival experience on the Bahamian island of Great Exuma. Organised by an American businessman known for less-than-scrupulous dealings, it brought together global media to cover the glitz and the glamour of announcements. The festival promised attendees a luxurious experience, with high-end accommodations, gourmet food and performances by top music acts. Fyre Festival was the ultimate product of the hype machine. It had celebrity endorsements from some of the most recognisable names in pop culture: Kendall Jenner, Hailey Bieber, Bella Hadid and Ja Rule. It had tickets selling for up to \$12,000. It was big on shiny announcements and unfortunately small on detail.

Those lucky enough to buy tickets and arrive at the island were greeted with an impromptu party, mollified with alcohol and shown to their soaking wet gravel car park accommodation. Instead of luxury villas, there were disaster relief tents. Gourmet meals were replaced with cheese sandwiches served in Styrofoam baskets. Many attendees were stranded without proper accommodation or transportation. There was a lack of basic amenities,

like drinking water and functioning toilets. Instead of blink-182, who cancelled on the day, guests were entertained by local Bahamian artists. "Come, seek," the Fyre Festival marketing read, "for searching is the foundation of fortune." We are seeking, and if searching is the foundation of fortune, then I am wealthy indeed. I have searched long and hard in the bill for details and clarification, because I believe the true riches will be found in the tangible detail. The detail is where the real business of running a festival is done and made. The detail is where festival-goers will be protected.

While the Opposition supports the bill, I call on the Minister to confirm key details about its operation and implementation, which are not presented in the bill before us. I am fearful that the bill is all tip and no iceberg, all Sonny and no Cher, all Meg White and no Jack. The festival industry deserves better than press releases that are more detailed than the legislation. I appreciate the very good intentions of the Minister. We have spent time together at a festival—at Splendour in the Grass—watching Flume at his 10-year anniversary celebrations. It was fantastic and I know the Minister has a lot of passion and experience in this field.

However, I will go through the legislation bit by bit to outline some of my concerns. The first issue lies in the explanatory note to the bill, which states something that is not found in the bill itself. Schedule 1, items [8] and [10] state that the Health secretary must agree to, or refuse to agree to, the health and medical plan at least 14 days before a festival will be held. Unfortunately, or perhaps fortunately, nowhere in the bill itself is a mention of the time frame that is referred to in the explanatory note, and that raises an important issue. While I acknowledge that this time frame was in the original Act under the previous process, I stress that 14 days is not enough time for a festival organiser to respond, whether by appeal or in a material, organisational sense, to a determination made by the government as to any additional or more onerous requirements of a health and medical plan.

For the benefit of festival organisers I ask the Minister to clarify what that time frame will be. Noting that the time frame is designed to be in regulations or guidelines rather than legislation, it is extremely unfortunate that the regulations that will essentially be the driving force of the detail of the bill are not currently available to review and scrutinise. I ask the Minister to confirm the date that the regulations will be released given that numerous parts of the bill rely on regulations to be clarified before they can be enacted, including new sections 5 (5) (a), 5A, 6 (2) (a), and 10AA. I also note that the music festival guidelines were last updated in October 2023 and do not relate to the current bill and the terms that are used. They will also need to be updated and I ask the Minister to give details of when that will be provided as an updated document in line with the bill. These are key details required by the industry to determine their own operational timelines. If the Government is serious about getting this done before the summer festival season, these details would already be available for scrutiny and discussion.

New section 2A, relating to the commencement of the Act, also presents a problem for festival organisers because of its lack of detail and clarity. A key component of the Government's announcement around assistance for festivals relates to the opportunity for organisers to seek waivers for government fees. I will come back to the detail on process shortly. I strongly make the point that relegating the start of this critical policy shift to a date that is yet to be determined is disrespectful to this place and also to business operators expecting urgent action, which they have been told they would get from the Government. On behalf of the festival industry I ask the Minister to confirm on what date he intends new sections 19C and 19D to be in force.

New sections 19C and 19D relate to the appeal against the imposition of government charges in relation to music festivals. Unfortunately, while there is some information about what that process might look like, key details are not present in the bill. I point to the definition of "exceptional circumstances" that may apply, and also the payment of the amount that would impact on the financial viability of the music festival not being specified. These are key pieces of information for operators, as other honourable members have referred to. If this detail is not explained in the bill, where will it be explained and when? Further, in new section 19D there is a provision that the Minister may make an order to establish a process for the waiver that includes the process and time frames for making applications and the criteria to be used in assessing applications. The fact that this is not included in the bill represents a problematic quandary for festival organisers who are trying to get through this summer festival season.

We know already from the bill that subject festivals will not be required to go through this process, but those festivals which are not subject festivals are still waiting to understand what is going on. A 90-day time frame was listed in the explanatory note—again, not actually listed in the detail of the bill. If festival organisers have to put forward some sort of health and medical plan 90 days before their festival, that is three months away. How will they be able to appropriately comply with the intention of the bill if it is supposed to be in operation this summer? The time lines do not make sense if we are to take the explanatory note as an indication of where the Government is going. As Ms Cate Faehrmann noted, there is no formal mechanism or time frame for the review of the bill. The previous Act had a five-year time frame—that is why the review happened in the first place.

I understand that this is an amending bill but, given the importance of industry stakeholder interaction, we should know if the Minister intends to have a review and in what time frame that would occur.

Important definitions relating to the Music Festival Roundtable need to be clarified. Section 3 (c) notes the opportunity for up to two additional members nominated by a person or body that represents peer-based harm reduction services to be on the round table. Peer-based harm reduction services are an incredibly small cohort of organisations. That possibly only relates to two organisations: DanceWize, which already has two members on the roundtable, and perhaps a service run by ACON called Rovers. I understand that Rovers focuses on specific large-scale LGBTQI events such as Mardi Gras. I ask the Minister to clarify what is meant by "peer-based harm reduction services" and consider changing that terminology to something more widely applicable, perhaps around policy advocacy, rather than peer-based, which is quite specific.

The term "services" is also specific, and services are already covered in the round table. There could be a wider consultation mechanism provided, should those terms be updated in the bill. The bill specifies the provision of an annual report. I note that currently the minutes of each roundtable meeting are available online, including attendees, was what was discussed, outcomes and who is responsible for those. I ask the Minister to confirm that the minutes following each quarterly roundtable meeting will continue to be made public.

As the shadow Assistant Minister for the Arts, Innovation, Digital Government and the 24-Hour Economy, and like many members of this place—including the Hon. Damien Tudehope—I have deep experience in attending festivals, enjoying live music and being part of a fantastic community. Festivals such as Subsonic, Listen Out, Field Day and Big Day Out have already been mentioned. I have also enjoyed Marmalade Skies, an incredible boutique festival held outside Goulburn. It certainly has less than 5,000 attendees but it is a wonderful cultural experience in—I do not know if one would call it the bush, but out in the paddocks. That was an incredible experience, with lots of wonderful attendees making friends and having a great time. That is the real cultural value of the festival sector. It is such an important part of community building.

Unfortunately, as has been noted in many reports, younger people are not going to festivals at the rates they were before. That presents a big cultural problem for the continuation of festivals. A culture is developed early on of going out into environments where you might not know lots of people, but you are able to meet them. You are exposed to different musical acts that you might enjoy and become a fan of as your life goes on. It has been scientifically proven that attending music festivals improves mood and a sense of connection amongst people. It is good for our society to have more festivals.

I also note that festival goers should feel safe and be safe while enjoying music festivals. In part, the Opposition supports the bill for the measures that will achieve that. To be clear, festival organisers want safe festivals. They want attendees to have a great time and to go home safely. People should arrive with confidence that they will be looked after if necessary, but hopefully they will not need to be looked after and can enjoy themselves with their new friends. Festival organisers benefit from safe and enjoyable environments that give that sense of connection.

I have spoken to a number of festival organisers, and they have told me that shared data from the police would be very helpful to allow them to plan festivals in the future so that they could learn from any issues that arose. They also want cooperation from councils, including liquor accords. Local police commands are part of that local engagement. I was recently made aware that expensive noise management companies have in the past been chosen by the Government, rather than the suppliers being chosen by festival organisers. I understand that is changing. It is an important cultural shift.

Festival organisers are on the ground doing the hard work. They know the industry inside and out. They are the people who help the government to produce safe festivals. We want the government to help, but it is not just about the imposition of conditions; it is also about listening to people who are on the ground and who want to provide safe environments for festival goers. That will obviously increase their business and ticket sales over time and make festivals even more enjoyable and, hopefully, sustainable.

If protesters do not have to pay for police, why do festivals have to pay? The Hon. Kevin Anderson in the other place, who is shadow Minister for the Arts and Heritage, and shadow Minister for Tourism, has advocated for the Government to waive the fees. Unfortunately, as has already been mentioned, there has not been much clarification. If fees are waived, depending on how the process works, where will that money come from? That is a problem. We need to understand how that will operate.

I note the review of the Music Festivals Act. Unfortunately, only a limited list of stakeholders have been consulted. I do not want to say it is a sad list, but it is not as exciting and vibrant a list as one might hope for.

**The Hon. Damien Tudehope:** I wasn't included, that's for sure.

**The Hon. JACQUI MUNRO:** The Hon. Damien Tudehope was not interviewed. Given his experience, as stated in the House, that is a loss for us all. There are 13 entities on the list, but the problem is that no interviews have been conducted directly with festival organisers. According to Creative Australia's dashboard, 151 festivals have been or will be held in New South Wales this year, yet none of the organisers of those festivals were included and consulted for the festival review. That is problematic. It is concerning that we are making decisions based on reviews that do not have the depth that is required to understand the impact of legislation on the industry. That includes data that could be gathered from this very vibrant industry. I hope that future reviews—and the Government—commit to directly interacting with festival organisers.

I thank the Australian Festival Association for its advocacy, but it is also important that individual festivals are part of the contribution. Festivals are hugely diverse. Of those 151 festivals, about 15 per cent have under 20,000 patrons. There are big festivals, international festivals, local festivals and festivals featuring a huge variety of genres. There are also regional festivals. I am glad the shadow Minister for the Arts and Heritage in the other place was able to pass amendments that represent regional New South Wales. That is incredibly important. No-one knows the area better than the shadow Minister. He is a touring, working musician who travels around New South Wales. He understands this industry from the ground up. His amendments are very useful for the bill.

We have to ensure that New South Wales is home to excellent festival events, and that means taking every opportunity to provide clarity to the festival operators and artists, who are trying their best to persevere under extremely challenging regulatory and financial circumstances. We will know soon enough whether the Fyre Festival has learnt its lessons. There is a Fyre Festival II, and this time tickets will cost up to \$1 million for those who want to attend in April next year. I will be watching Fyre Festival II closely, but the Opposition will be watching even more closely the rollout of this bill and its impact on festivals, their organisers, festival goers, and hardworking business owners and artists. I look forward to the debate in the Committee stage. I thank the industry stakeholders who have come forward with their ideas and concerns, and I hope that festival goers are safe this festival season.

**The Hon. JOHN RUDDICK (16:30):** The Libertarian Party supports the Music Festivals Amendment Bill 2024, but with reluctance because it does not see why any level of government should have anything to do with festivals other than getting out of the way and wishing them well. The Libertarian Party believes there should be a separation between the State and festivals. We believe true festivals are spontaneous. There will be rules adopted by festival organisers; they do not need to be imposed from on high. Some festivals will need security; many will not. Why do the police need to be involved? Let the police do their own job with all of the complications of the cops, and we can then provide more employment for non-police. Some festivals will need a health plan; many will not. But now we have rules saying that the politicians and bureaucrats will dictate rules from on high that must apply to all.

I note that the bill has been welcomed by the Australian Festival Association and industry operators. I am glad to see the Government cooperating with industry rather than thinking it can solve all problems. Previous arrangements forced music festivals to jump through multiple hoops, often giving repeated information. Red tape has strangled festivals, yet red tape grows and grows. One department said we needed to do this and another that, and before we knew it—lo and behold—half the festivals had gone broke. So it is good to see that festivals now only need provide a health and medical plan, with additional conditions potentially imposed by the NSW Police Force. Again, I do not know why the police are involved. It is not ideal, but it is better than the bloated bureaucracy they currently deal with. For many festivals, that burden has proved too much and they have shut down. We saw that recently with the legendary Bluesfest in Byron Bay announcing that next year would be its final festival. Maybe this bill will change its fate. I hope so.

Bureaucracy stifles creativity. It makes organisers preoccupied not with delivering a superb product at a low price but with compliance with government decrees. Organisers cannot sleep because they are worried about making the Government happy and whether the Government will shut them down. New South Wales has to move on from that. A laissez-faire approach to the festival industry will see some mistakes made, but organisers will learn from each other, respond, improve their product and deliver it at a cheaper price. Surely the paramount mistake is heavy-handed government forcing festivals to cease.

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (16:32):** In reply: I thank members for their contributions, although none were as entertaining as the Leader of the Opposition's. I do not want to review all of his work but, having closely studied his contributions, that was his best to date. I worry we have moved into fiction—an unexplored genre in the Chamber—but his contribution was superb, and I thank him for the spirit in which he engaged in the debate. I will address each of the matters that have been raised, particularly the strong points that the Government is conscious of. I thank Opposition members for their support of the bill and the way they engaged in the discussion.

I note the contributions of members, including the Hon. Rod Roberts, about the need for user-pays charges to be examined more holistically and not just in relation to music festivals. I will address that first. That is in the bill because there is a crisis in the music festival sector. No-one disputes that. It has led to New South Wales actively losing festivals—something that is also the case in other jurisdictions. The Government is aware of the broader issue of user-pays charges. It has been the subject of discussions between Ministers, and Minister Kamper particularly is taking an interest in that question. The Treasurer has also taken an interest in it.

Of course agencies feel they need funding to appropriately do their work. That is a legitimate aspiration. But where the Government can cut costs, including user-pays costs, it should. When it can do that by cutting regulation or duplication, it is even better. That is a serious reform program that the Government is interested in, and that would apply far more broadly than to just music festivals. The bill we bring here today deals with that immediate issue, and that is important. If this becomes a working example of the way to deal with some of those other issues, I am sure the case will be made that it should be applied elsewhere.

I thank Ms Cate Faehrmann for her contribution and her close engagement on this issue over a long period. She has both led and followed this debate all the way through. The review did not find that we could scrap this law, and the Government did not feel it could scrap it altogether. That reflects the review's finding that, as a result of all the measures, festivals are now safer than when the six young people died over that terrible summer. Those consequences are on the minds of Government members as they weigh this up. If we scrapped this law and young people died, there would be a strong call not only for a law like this but also for something far stronger. That is the truth of the public debate that would unfold, and that is one of the reasons that the Government seeks to amend and improve the Act, but not to scrap it. I do not pretend this bill solves all of the problems with the sector; it will not. But it is a start, along with the other measures the Government is taking.

I take the point about the formal consultation in the review, and that reflects two things. Firstly, the Australian Festival Association, which was formed out of some of those initial concerns, has done a great job of getting the sector organised and consulting more broadly. In part, that reflects the good role the sector is playing in getting itself organised. Secondly, from my perspective, it reflects the long period of consultation on these issues with Government, Opposition and crossbench members. There is not a lot of doubt about what the industry thinks on those issues. That has been my experience when talking with the industry. It is right for members to raise it, but those two things are contributing factors.

There is a tension between the request for huge engagement from the sector and government paperwork taking up its time. The sector is desperately trying to hold events together under economic pressure. One thing on my mind has been to consult but not throw a whole lot of paperwork at a sector under pressure. Members, particularly Ms Cate Faehrmann, put the question of whether user-pays charges will go down. These two appeal processes are serious. We are moving towards the Victorian model. They are internal in the first instance; however, there is a departmental agency external to the agency appeal process if a festival is going to fall over. The Government will watch closely to see how they work in practice, but it will mean that there is a real path to dealing with some government costs.

If costs are waived, how will agencies be reimbursed? It is the same model that operates under the current hallmark events policy. The Government already waives costs to organisers, as the former Government did, and asks agencies to absorb those costs. Agencies have budgets for that and, where it happens, it will be dealt with in the same way. Although it does create a tension in government, it works well under the existing policy so we will see how that unfolds.

I now address some other matters that were raised. Regarding appeals, there is not only a chance to appeal whether a health plan is agreed; there is also a chance to appeal on conditions and costs. All three points of decision will be appellable for the first time in New South Wales. That is a very positive step, but such measures do not happen in a vacuum. The Government is currently offering financial support to the sector, but I take very seriously the Deputy President's comments about not wanting to pick winners. That is not the goal. To put it plainly, the view of the Government is that for the next two years, unless there is some assistance for the sector, New South Wales will lose more festivals. We have lost quite a number of significant ones already, and we will lose more without assistance and regulatory change.

The Government is hopeful that, if festivals can get through the next two-year period, they will then be back on their feet. However, we do not want a subsidised sector; we want a sector that produces festivals that stand on their own two feet, as it has in the past. If we do not help now, that may not happen. Once they are gone it will be very hard to get them back; it may take a generation. That is what is at stake. That is why the Government has put emergency assistance on the table, but taxpayers should not be helping unless there is a clear rationale for doing so.

The point made about clawing back was an excellent one. Clawbacks do apply to assistance given. If a festival is given assistance but all tickets are sold, then it will not be eligible for that assistance. Festivals with entirely international acts also will not be eligible. Some festival organisers may not like it, but that is the Government's position. The Government is open to looking at a similar principle regarding any reduction in charges. It is a good suggestion and I will pursue it as the changes roll out.

Finally, the Hon. Jacqui Munro raised a range of detailed questions. I thank her for her interest in this area. The regulations will be released as soon as possible, but I am not going to give a specific date because I need to consult with my colleagues. However, the Government will be moving rapidly to lock in those regulations. I am open-minded about a review; to save members' time, I will deal with that further in Committee. Regarding the member's comments about harm reduction and harm reduction organisations, The Greens are arguing the case for a specific provider of that service. I am open to that, and the Government will commit to it in the Committee stage.

I also commit to retaining the current public nature of those minutes and their reporting. That is very important. I agree with the member's point about sharing information and data. It is a very busy sector so government has to be careful to actually provide practical support, which is a real challenge for the sector. I thank members for their interest in this issue, their contributions to the debate and their support of the bill.

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** The question is that this bill be now read a second time.

**Motion agreed to.**

### **In Committee**

**The CHAIR (The Hon. Rod Roberts):** There being no objection, the Committee will take the bill as a whole. There are two sheets of amendments: The Greens amendments Nos 1 to 14 on sheet c2024-175B and Opposition amendment No. 1 on sheet c2024-171.

**Ms CATE FAEHRMANN (16:46):** I move The Greens amendment No. 1 on sheet c2024-175B:

#### **No. 1 Commencement**

Page 2, clause 2, lines 6 and 7. Omit all words on the lines. Insert instead—

- (a) for Schedule 1[36], to the extent it inserts sections 19C and 19D—the earlier of the following—
  - (i) a day or days to be appointed by proclamation,
  - (ii) 30 November 2024,

The current clause 2 relates specifically to the appeal mechanisms in new sections 19C and 19D of the Act. This amendment seeks to amend the commencement of those sections by adding a specific commencement date. I acknowledge that the Minister has said that the Government is working to establish that, but we know it is a key change for festivals because they are drowning in huge fees. There has been a bit of pressure to get the bill passed, and that pressure is still on us because festivals are currently being planned. With the amendment passed, they would have certainty that the appeals mechanism would be in place by 30 November, although I hope it is sooner. In formal discussions, I have heard that the Government is certainly getting on with it, so our amendment is a safety clause, if you like, to ensure that the appeals mechanism process will in place by 30 November. I commend the amendment to the Committee.

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (16:47):** The Government will not support the amendment. However, I indicate that it is the Government's intention to establish the panel as soon as possible. We do not want to wait. We are conscious of the pressure and that is why the funding is already available. That will be of assistance immediately. However, the timeline proposed by this amendment does not reflect the complexities of the consultation that needs to take place or, given that members have had views about industry consultation, the checking that might need to occur. Our intention is to move rapidly, but having a legislative deadline is not appropriate.

**The Hon. DAMIEN TUDEHOPE (16:48):** For the reasons outlined by the Government, the Opposition also will not be supporting this amendment.

**The CHAIR (The Hon. Rod Roberts):** Ms Cate Faehrmann has moved The Greens amendment No. 1 on sheet c2024-175B. The question is that the amendment be agreed to.

**Amendment negatived.**

**Ms CATE FAEHRMANN (16:48):** By leave: I move The Greens amendments Nos 2 and 3 on sheet c2024-175B in globo:

**No. 2 Objects of Act**

Page 3, Schedule 1[2], proposed section 2A(2)(a). Insert after line 21—

- (ia) the diversity of music festivals held, including diversity in size, location and genre,

**No. 3 Objects of Act**

Page 3, Schedule 1[2], proposed section 2A(2)(a)(ii), line 22. Insert ", particularly Australian artists, producers and music festival organisers" after "industry".

These amendments deal with the objects of the Act. In my contribution to the debate on this bill, I said that the objects of the bill address harm reduction and are actually very good. However, they do not include a requirement for the administrators of the Act to give consideration to the type of music festival offered. One of the recommendations is to consider the size, location and musical genre of the festival. We must also ensure that music festivals are encouraging Australian artists, producers and festival organisers to be involved. We know there have been international takeovers of many music festivals. It is a big issue that the industry is talking about, and I hope that these proposed changes to the objects of the Act address this.

These amendments also address the \$3 million in emergency funding for festivals that have over 15,000 people attending them. A bunch of the festivals that members have mentioned today have attendance numbers well and truly below 15,000, but they are still wonderful festivals. I also put on record my disappointment that it is clear that amendments will not be supported because they will hold up the bill. The Government has spoken about the urgency of getting this bill passed to give festival organisers certainty, but the upper House is here to make amendments and to improve legislation. I welcome the Minister's comments on considering the diversity of music festivals, given that including it in the objects of the Act would have made a difference. I commend these amendments to the Committee.

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (16:52):** The Government is open to these amendments in principle. I will make some remarks about both the detail and the timing. Firstly, the Government is broadly supportive of the goal of these amendments, and I thank the member for bringing them to the Committee. Regarding Ms Cate Faehrmann's concerns about the assistance available for larger festivals, I would say that there is a range of festival assistance. Members should not think that the emergency funding is the only funding available to the festival sector. There are other funding programs available in the arts and cultural tourism world. However, the main problem we have is that we are going to lose the key festival infrastructure unless we support it. That is the policy conclusion that the Government has reached.

The emergency assistance funding is not available to a fully international festival. That is not the goal here. I am open to the way that this is heading, and we will take these things into account when considering what we can do to drive this agenda. We will do further work in this space and also develop guidelines as appropriate. I must alert members to the timing issue mentioned by Ms Cate Faehrmann. Due to the imminent festival season, the Government would prefer to see this bill passed unamended as it will allow passage during the September sittings rather than the other place having to deal with this bill in October. That is where we are up to with getting this in place in time for the festival season.

**The Hon. DAMIEN TUDEHOPE (16:53):** While the Opposition does not support these amendments, I think that the reason given by the Minister for rejecting the amendments is of some concern. It was predicated on the fact that it would have to be considered by the other place and therefore would not be passed until the October sittings of Parliament. Quite frankly, that should not be something which drives good government. If there is some urgency attached to a bill, there are mechanisms to make sure that it is properly dealt with.

I am astonished that the Minister would offer the fact that he wants a bill passed in this sitting session as a partial reason for rejecting all amendments. I would have thought that the Minister had other mechanisms available to him. It is deplorable that a situation could arise where the Government's consideration of amendments was predicated on its agenda to get bills passed by a particular date rather than on whether they were substantive or good amendments. This would mean that good amendments would not be a subject of consideration simply because they do not fit the Government's agenda. That is a deplorable admission for the Minister to make.

**The CHAIR (The Hon. Rod Roberts):** Ms Cate Faehrmann has moved The Greens amendments Nos 2 and 3 on sheet c2024-175B. The question is that the amendments be agreed to.

**The Committee divided.**

Ayes .....7  
 Noes .....28  
 Majority.....21

## AYES

Boyd  
Buckingham  
Cohn

Faehrmann (teller)  
Higginson (teller)

Hurst  
Ruddick

## NOES

Barrett  
Buttigieg  
Carter  
D'Adam  
Donnelly  
Fang  
Farlow  
Farraway  
Franklin  
Graham

Jackson  
Kaine  
Lawrence  
MacDonald  
Martin  
Merton  
Mihailuk  
Mitchell  
Mookhey

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

**Amendments negatived.**

**Ms CATE FAEHRMANN (17:03):** I move The Greens amendment No. 4 on sheet c2024-175B:

No. 4    **Secretary may have regard to advice from certain persons in determining whether agreed health and medical plan required**

Page 4, Schedule 1[6], proposed section 5(2), line 14. Omit "must". Insert instead "may".

The amendment is to change the section in the bill that requires the secretary to take advice from various agencies as well as the music festival organiser. The original bill provided the secretary "must" take advice from the Commissioner of Police whereas it "may" take advice from agencies such as the health secretary, as well as the music festival organiser. The other place changed it so that the secretary must take advice of a range of things. For example, the secretary must have regard to whether a prescribed medical event occurred, whether in New South Wales or another State or Territory, at a music festival or an event related to a music festival for which the music festival organiser was the organiser in the three years immediately before the date. Essentially, the requirement that the secretary must have regard to whether there has been a prescribed event, advice from the health secretary and advice from the police seems to make it difficult for the secretary not to require an agreed health and medical plan. A prescribed medical event at a big musical festival in the past three years is a common occurrence, whether we like it or not.

The Greens amendment changes "must" to "may". That was the original intent. The amendment agreed to in the other place has now ensured that the secretary does not have as much flexibility as to whether the festival they are considering needs an agreed health and medical plan. I would hope that the idea is that there are fewer and fewer plans needed, and less regulatory burden, which is the whole purpose of the bill. Again, the reforms seem not to get to the point of the bill. The amendment in the lower House has increased that burden. So this amendment—I hope members agree to it, but that is not the case today—proposes to change "must" to "may", as generally originally drafted.

**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):** The Government views the amendment as unnecessary. Those things must be considered, but it is then up to the secretary or, in this case, the delegate who is exercising that decision-making function. Of course they must consider them, but it is then their decision. They may or may not weigh heavily in the decision. Liquor and Gaming has also made it clear that, if paperwork has already been submitted—for example, for other approval processes—for the first time, it will be able to say that conditions have already been applied and matters have already been taken into account. The bill will give significantly more freedom to do that. Of course that advice should be considered. It must be considered under the bill.

**The Hon. DAMIEN TUDEHOPE (17:08):** The Opposition joins with the Government in opposing the amendment.

**The Hon. Jeremy Buckingham:** *Blister in the Sun.*

**The Hon. DAMIEN TUDEHOPE:** As a result of all the festivals I have attended, I am somewhat deaf and I did not hear the comment of the Hon. Jeremy Buckingham. It is festival-inspired deafness.



**The CHAIR (The Hon. Rod Roberts):** Ms Cate Faehrmann has moved The Greens amendment No. 4 on sheet c2024-175B. The question is that the amendment be agreed to. Is leave granted to ring the bells for one minute?

**Leave granted.**

**The Committee divided.**

Ayes .....7  
Noes .....28  
Majority.....21

**AYES**

Boyd  
Buckingham  
Cohn

Faehrmann (teller)  
Higginson (teller)

Hurst  
Ruddick

**NOES**

Barrett  
Buttigieg  
Carter  
D'Adam  
Donnelly  
Fang  
Farlow  
Farraway  
Franklin  
Graham

Jackson  
Kaine  
Lawrence  
MacDonald  
Martin  
Merton  
Mihailuk  
Mitchell  
Mookhey

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

**Amendment negatived.**

**Ms CATE FAEHRMANN (17:12):** I move The Greens amendment No. 5 on sheet c2024-175B:

**No. 5 Secretary may have regard to advice from certain persons in determining whether agreed health and medical plan required**

Page 4, Schedule 1[6], proposed section 5(3), lines 35–39. Omit all words on the lines. Insert instead—

(b) provide the health and medical plan to the Health Secretary for agreement.

This amendment amends schedule 1 to the Act by removing the requirement for a copy of the health and medical plan to be provided to the Commissioner of Police before it is agreed to. The music festival organiser has to prepare a health and medical plan, and provide it to NSW Health and to the Commissioner of Police. The NSW Health secretary then agrees to it. But in considering whether to agree to it they must take into account the advice from the Commissioner of Police. The police are already involved in the process. They get the agreed health and medical plan, then they provide advice to that, impose conditions on it and impose a law enforcement safety schedule.

This is going to be confusing for the police. They will receive a health and medical plan, then two or three weeks later they will receive an agreed health and medical plan. They cannot comment on the health and medical plan; they comment on the agreed health and medical plan. The flow chart of this is a spaghetti junction of who does what and when. This amendment was suggested in good faith to take that process out of it. The police get to comment on the agreed health and medical plan and provide a lot of input there. This stage was unnecessary, and I think, confusing.

**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) (17:14):** The Government does not support the amendment. The path is relatively clear for these festivals. They prepare a health and medical plan for the festival, and it is then given to NSW Health and police. The risk of not giving it to police at that stage in the process is that police would then feel obliged to propose a range of conditions. Those could potentially be duplicative or inconsistent. It is best that police provide that advice when they know what the festival organiser's plans are. The view of the Government is that is a commonsense way of doing it. They certainly need a plan and the final, agreed plan as well so they know what the organiser has agreed to with NSW Health.

**The Hon. DAMIEN TUDEHOPE (17:15):** The Opposition does not support the amendment.

**Ms CATE FAEHRMANN (17:15):** I think the Minister's contribution seems to indicate that he does not quite understand, with respect, that the stage when the Commissioner of Police comments is after the agreed health and medical plan. There is no stage in the bill for the police to impose any conditions on the health and medical plan. The health and medical plan is prepared by the music festival organiser after the secretary—after taking into account all of the different advice from agencies, including the police at that point—tells the music festival organiser to pull together a health and medical plan. Then it gets to NSW Health, who at a certain point give the agreed health and medical plan to the Commissioner of Police, after speaking with the music festival organiser. NSW Health does that. That is when the Commissioner of Police—it is all here—may impose conditions, the law enforcement and safety schedule that is attached to the agreed health and medical plan. It is all here.

Genuinely, that is a ridiculous duplication of the police receiving one thing, then three weeks later receiving something else—that is, the agreed health and medical plan. The first time they receive it, there is nothing in the bill that says that that is when they should be imposing conditions. They have to wait for the agreed plan. That is not what the bill says is the step-by-step process and, frankly, there are so many convoluted ways in which to reassure the police. The organiser has to reassure the police that it is okay—they have to give it to them and then give it to them again. It is ridiculous. The bill is being put forward in this place to reduce the regulatory burden, but it is doing nothing at all to reduce the burden on music festival organisers.

**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) (17:17):** I thank the member for her comments. First, I understand that The Greens may want to put the position, as the member has, to take the police out of the process. That is not the Government's view at a principle level. Secondly, the Government's position on this is informed by the agencies and I am putting that position. The member is correct: In the first stage the health and medical plan is provided for information only. However, police need time to plan for any conditions they might recommend to the secretary. For example, if the plan already contains information on site plans for emergency vehicles, they would not need to recommend that condition later in the process. The sooner that is made clear, the better, in the view of the Government. That is the advice we have before us and it is advice we have accepted.

**The CHAIR (The Hon. Rod Roberts):** Ms Cate Faehrmann has moved The Greens amendment No. 5 on sheet c2024-175B. The question is that the amendment be agreed to.

**Amendment negated.**

**Ms CATE FAEHRMANN (17:19):** I move The Greens amendment No. 6 on sheet c2024-175B:

**No. 6 Music festival organiser to be notified of decision about appeal to ILGA**

Page 5, Schedule 1[6], proposed section 5A. Insert after line 32—

- (6) ILGA must give written notice of ILGA's decision about the appeal to the following persons no later than the prescribed day—
  - (a) the music festival organiser,
  - (b) the Secretary.

The amendment inserts a prescribed day to communicate to the musical festival organiser about a decision about an appeal to the Independent Liquor and Gaming Authority. Throughout the bill there are very sensible prescribed deadlines, and agencies and music festival organisers have to comply with those. I understand the precise deadlines will be set in the regulations or at a future date.

After the secretary determines whether a festival must have an agreed health and medical plan, the festival may appeal that decision with the Independent Liquor and Gaming Authority. It is the only possible appeal about the plan in the bill and there is currently no time limit provision. Festivals have been frustrated with agencies, which might be very busy with a lot of things. The amendment ensures that there is a prescribed day, as there is for so many other clauses in the bill.

**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) (17:20):** The Government does not support the amendment, although the principle of the proposition is not out of line with where the Government is heading. As the member described, the Government will try to provide some guidance to agencies outside the legislation through the other provisions that are allowed. That is a more flexible way to do things. If we find that the deadlines we have set are impractical, we need the flexibility to be able to change them via regulation or ministerial order. If it is in the Act and it is too tight, that is simply not practical. The Government is open to the principle of The Greens amendment, but the practice of putting it in the bill is not appropriate.

**The Hon. DAMIEN TUDEHOPE (17:21):** The Opposition agrees with the Government and will not support the amendment.

**The CHAIR (The Hon. Rod Roberts):** Ms Cate Faehrmann has moved The Greens amendment No. 6 on sheet c2024-175B. The question is that the amendment be agreed to.

**Amendment negated.**

**Ms CATE FAEHRMANN (17:21):** By leave: I move The Greens amendments Nos 7 to 9 on sheet c2024-175B in globo:

No. 7 **Commissioner may propose conditions to be applied to music festivals only if premises are not licensed under Liquor Act 2007—consequential amendment**

Page 6, Schedule 1[12], proposed section 6A, line 22. Insert "certain" before "agreed".

No. 8 **Commissioner may propose conditions to be applied to music festivals only if premises are not licensed under Liquor Act 2007**

Page 6, Schedule 1[12], proposed section 6A(1), lines 23 and 24. Omit all words on the lines. Insert instead—

(1) This section applies in relation to a music festival only if—

- (a) the Secretary has determined the music festival requires an agreed health and medical plan, and
- (b) the premises on which the music festival are to be held are not premises to which a liquor licence applies under the *Liquor Act 2007*.

No. 9 **Commissioner may propose conditions to be applied to music festivals only if premises are not licensed under Liquor Act 2007—consequential amendment**

Page 7, Schedule 1[12], proposed section 6A(6), lines 15–21. Omit all words on the lines. Insert instead—

included as a schedule to the agreed health and medical plan and, if included, is taken to be part of the agreed health and medical plan with which the music festival organiser must comply.

I spoke about this issue at length in my contribution to the second reading debate. New section 6A deals with the fact that the police commissioner may propose conditions to be applied to music festivals, and those conditions include something called the "law enforcement and safety schedule", which is not defined in the bill. A number of people in the industry have suggested refining the ability for the police to propose such conditions for events that are not licensed under the Liquor Act.

Under the Liquor Act, if there are conditions for an event for over 2,000 people, for example, the holder of the licence must prepare a separate comprehensive plan of management and a security management plan for the event in consultation with the police area command. The bill purports to be about removing the regulatory burden for festivals. The Liquor Act for big events already requires the organiser to liaise with the police around safety and crowd management. There are so many other conditions contained in the health guidelines. These amendments attempt to avoid that duplication.

I initially wanted to remove this section from the bill entirely, but I took on board feedback that there are events that the liquor licence does not pertain to—for example, events that have put in development applications. Again, the review came out last week. The consultation process for the changes in this bill could have been longer and more transparent. There are parts that we might have improved with more discussion and consultation, and this section is one of those. I commend the amendments to the Committee.

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (17:24):** I thank the member for moving the amendments. It will be useful to set out what the bill is trying to accomplish with this section. Firstly, these conditions apply only where it has been determined that an agreed health plan is required. Secondly, the aim of the bill is to separate out where a condition that might be applied is a health condition and to put that in the health plan. If a condition is applied that might be relevantly applied to a liquor licence, it would be applied to the liquor licence.

If a condition is a safety and law enforcement matter, that is contained in a schedule. Those will be required some of the time. If they are not already contained in the development approval or the liquor licence, there must be somewhere to capture those conditions. However, separating the conditions out in the way that is being proposed will allow the decision-maker to minimise the number of times they are duplicated through the systems. The conditions will be there, but they will not occur up to three times. That is the value of this section of the bill. Of course, this process is complicated. The decision-makers will have to sift through the legislation. My expectation as the Minister is that the process will improve over time. For those reasons, the Government opposes the amendments.

**The Hon. DAMIEN TUDEHOPE (17:26):** The Opposition opposes the amendments.

**The CHAIR (The Hon. Rod Roberts):** Ms Cate Faehrmann has moved The Greens amendments Nos 7 to 9 on sheet c2024-175B. The question is that the amendments be agreed to.

**Amendments negatived.**

**Ms CATE FAEHRMANN (17:26):** I move The Greens amendment No. 10 on sheet c2024-175B:

No. 10 **Role of NSW Police in enforcing Music Festivals Act 2019**

Pages 8 and 9, Schedule 1[29], line 34 on page 8 to line 3 on page 9. Omit all words on the lines.

The amendment removes new section 12 (3), which provides police officers with the function and powers of enforcing the conditions imposed by the police commissioner about matters relating to law enforcement and safety that are adopted by the secretary. Again, I addressed this issue in my second reading debate contribution. We do not know what is contained in those law enforcement and safety schedules.

Surely the police are currently able to enforce most matters pertaining to safety at festivals. I have not heard feedback that there are issues at festivals where the police do not have the authority to do what they view as necessary for safety and to control crowd behaviour. The amendment in the bill strengthens the role of police within the music festival ecosystem at a time when the review suggested that the punitive approach of the police is part of the problem. I am sure that no part of the review contained suggestions—other than from the police—that the police need more powers within the music festival environment. That is what this amendment tries to resolve.

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (17:28):** The goal is to have the right agencies dealing with the right issues. The amendment in the bill makes clear what the police should be trying to enforce. NSW Health will deal with the health matters, and police will deal with the law enforcement and safety matters. That is as it should be. The advice to me is the amendment would have opposite effect; it would have the police dealing with both the law enforcement and safety matters and the health matters, which is not the plan under the bill. The plan is to have the agencies closely tailored to the conditions that it is appropriate for them to enforce.

**The Hon. DAMIEN TUDEHOPE (17:29):** For the reasons outlined by the Minister, the Opposition will also not be supporting the amendment.

**The CHAIR (The Hon. Rod Roberts):** Ms Cate Faehrmann has moved The Greens amendment No. 10 on sheet c2024-175B. The question is that the amendment be agreed to.

**The Committee divided.**

Ayes .....7  
Noes .....27  
Majority.....20

#### AYES

Boyd  
Buckingham  
Cohn

Faehrmann (teller)  
Higginson (teller)

Hurst  
Ruddick

#### NOES

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

Graham  
Jackson  
Kaine  
Lawrence  
MacDonald  
Merton  
Mihailuk  
Mitchell  
Mookhey

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

**Amendment negatived.**

**Ms CATE FAEHRMANN (17:38):** By leave: I move The Greens amendments Nos 11 to 14 on sheet c2024-175B in globo:

**No. 11 Review of operation of Act**

Page 9, Schedule 1[34], line 21. Omit all words on the line. Insert instead—

Omit the section. Insert instead—

**19 Review of operation of Act**

- (1) The music festival roundtable must review the operation of this Act in relation to music festivals held between—
  - (a) the date of assent to the *Music Festivals Amendment Act 2024*, and
  - (b) 30 April 2026.
- (2) The review must be conducted as soon as practicable after 30 April 2026.
- (3) The review must include—
  - (a) an assessment of the appeal process under sections 19C and 19D, and
  - (b) data about the following in relation to the period to which the review relates—
    - (i) the number of agreed health and medical plans required to be prepared and the number of health and medical plans that were not agreed to by the Health Secretary,
    - (ii) conditions proposed by the Commissioner of Police to be applied to music festivals for which an agreed health and medical plan was required and whether the conditions were adopted or rejected by the Secretary,
    - (iii) amounts payable by music festival organisers to the State or a government sector agency in relation to music festivals and whether appeals in relation to the amounts payable resulted in a waiver or reduction of the amounts and, if so, the amount of the waiver or reduction.
- (4) The Minister must ensure a report about the outcome of the review is tabled in each House of Parliament no later than 30 August 2026.

**No. 12 Guidelines**

Page 9, Schedule 1[36], proposed section 19B, line 28. Omit "may". Insert instead "must".

**No. 13 Guidelines—consequential amendment**

Page 9, Schedule 1[36], proposed section 19B, line 30. Omit "may". Insert instead "must".

**No. 14 Membership of music festival roundtable**

Page 13, Schedule 2, proposed section 3(b), line 40. Omit "industry.". Insert instead—

industry, and

- (xi) 1 member nominated by Harm Reduction Australia, and Amendment No. 11 is about a review of the operation of the Act. It is disappointing that the Government has removed the requirement to review the Act. At the time that the bill to introduce the Act we are now amending was debated in this place, members sought to include the ability of the House to see reviews of the Act. Such reviews are incredibly important because of the seriousness of the issues that this bill apparently seeks to prevent. I spoke to the Minister about this, and I note not just my disappointment but also that of people I have spoken to in the industry. They have also asked whether the bill can be amended to include a review of the operation of the Act. The Music Festival Roundtable is receiving information and undertaking analysis on data that NSW Health and New South Wales police are providing. I seek the Minister's assurances that the data will be made publicly available so that not just the Minister but also members of this Chamber and the public can see how the Act is functioning and whether it is doing what its objects state, which is keeping people safe, ensuring the viability of the industry and providing transparency into how much the police are charging. That is why this amendment outlines in such detail what the review needs to cover.

Amendments Nos 12 and 13 simply state that the Minister "must" rather than "may" develop, draft or produce guidelines to deal with various issues. Requiring the Minister to prepare guidelines should be easily supportable. Amendment No. 14 deals with the membership of the Music Festival Roundtable. I have spoken to the Minister about this and he mentioned it in his second reading speech. The amendment will ensure that the Act requires one member of the Music Festival Roundtable to be nominated by a harm reduction organisation. I have suggested Harm Reduction Australia.

This bill nominates a number of different organisations and agencies to be on the Music Festival Roundtable at clause (3) (a) and (b) in the regulation. However, at clause (3) (c) it suggests two additional members

to be nominated by a person or body that represents peer-based harm reduction services if agreed by the co-chairs of the Music Festival Roundtable. Harm Reduction Australia was specifically mentioned by the coronial inquest into music festival deaths as an organisation that potentially should be a member of the round table, so it would be good to have it included in the Act. I acknowledge the Minister's commitment that it could be a good suggestion.

When legislation is made in this place, the Minister and the Government of the day really need to reflect on what the legislation does and whether it will be fit for purpose. The Government needs to consider the bill in light of not just its views about music festivals, its contacts and networks, and what it wants in place over the next couple of years, but also how it will be as an instrument of law in the hands of the current Opposition, potentially the next Government. There is a view that we are able to come back and change things if need be, but that is not necessarily the case. Given that, it would be wonderful if these amendments, particularly the one addressing a review, are agreed to; however, we have already been told they will not be. I commend the amendments to the Committee.

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (17:43):** I thank Ms Cate Faehrmann for her contribution. Firstly, in relation to the review, it is a matter that members have taken a close interest in. I indicate to the member and to the Committee that it is the Government's intention to review the operation of the Act, and I am happy to do so on the timeline that is proposed in the amendment. While the Government is not agreeing to the actual amendment, or the other amendments, I am happy to commit to tabling that review in the House no later than 30 August 2026 in the way that amendment No. 11 proposes. Secondly, in relation to the other information that the member has asked for, as the Hon. Jacqui Munro has already asked and I have already answered, all the minutes will be made public. Thirdly, I know members have taken an interest. If there are further steps that the House wants to take to scrutinise this, the Government will be open to doing so. We do not support the amendment; however, those measures will go some way to dealing with those issues.

The Government does not support amendments Nos 12 and 13, but I assure the Committee that I intend to get the guidelines up and running. Finally, in relation to the membership of the Music Festival Roundtable, the bill already adds two additional members in this category but amendment No. 14 seeks to add a particular provider. That is a sensible suggestion. The member's observations about the coronial inquest and its comments are a further recommendation for doing so. While the Government does not support the amendment because this category is already covered in the bill, I am happy to indicate that it is a very suitable request. The Government would like that organisation on the round table and I will be recommending that to the co-chairs, as the bill envisages they should be consulted.

**The Hon. DAMIEN TUDEHOPE (17:46):** The Opposition also will not be supporting the amendments. However—

**The Hon. Jeremy Buckingham:** *Gone Daddy Gone.*

**The Hon. DAMIEN TUDEHOPE:** Are you interrupting me? The observations made by the Minister highlight the issue which I have previously raised about the manner in which legislation is covered in this place. The Minister has just made admissions that these amendments are all worthwhile. In fact, he earlier made a concession regarding the review, but he will not support it being in the legislation because of the alacrity with which he wants this legislation to be passed. In any event, some of the process which appears to be adopted by the Minister regarding the consideration of the issues is less than satisfactory, given his reason outlined earlier for not accepting The Greens amendments. I anticipate he will not accept the Opposition amendment either, for exactly the same reason—or perhaps not the same reason; he might have a substantive reason why he would not accept it. In any event, he does not accept The Greens amendments purely as a matter of process, not as a matter of substance.

**Ms CATE FAEHRMANN (17:47):** Firstly, I acknowledge the contribution of the Minister and the commitment to review the Act according to the dates in the suggested amendment. As a result, I will not be calling for a division on these amendments. However, to my knowledge the practice in this place on a Thursday afternoon has always been that when there is a bill that needs to be passed, and that the Government really wants to be passed with amendments, members of the other place are told to stick around. That did not happen today. To be told that they had gone home at 4.30 p.m. was extraordinary. I do not buy that excuse and I am quite furious about it.

That is possibly an indication of the Minister not wanting to agree to the amendments and putting in place barriers so that it was impossible for us to pass amendments in the Chamber. The Greens were also encouraged to move amendments in the lower House. We know that on Thursdays a lot of bills are amended. That is how we have rolled and that is how we will continue to roll. That is the way it is. It is disappointing. I thank members for sticking around.

**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) (17:49):** I will deal with that issue directly. The member is entirely correct that we asked members, where possible, to move amendments in the Legislative Assembly. It is always open to members to amend bills. There is no trouble with that. We received The Greens amendments just before the debate, which is one pressure that we had to deal with. That is not unusual, but it is a constraint that we had to work with.

**Ms ABIGAIL BOYD (17:50):** I reflect on this process issue, which is becoming a problem. This is the house of review. We expect to be able to move, debate and sensibly consider amendments. All members have cleared their calendars until 10.00 p.m., so it is not unreasonable to think that we will be able to deal with bills on a Thursday in fullness. That is how it has been in the past. I strongly encourage the Government to change its ways and to not let this happen in the future.

**Ms CATE FAEHRMANN (17:51):** I put on record that I have been in good, constructive discussions with the Minister's office. I indicated on Monday our concerns with various areas of the bill and that we would be moving amendments that we would not be able to complete by Tuesday. We consulted with industry and then sent an email to the Minister's office yesterday at 4.30 p.m. The email was received and we spoke with his office multiple times this morning about the amendments.

**The CHAIR (The Hon. Rod Roberts):** Ms Cate Faehrmann has moved The Greens amendments Nos 11 to 14 on sheet c2024-175B. The question is that the amendments be agreed to.

#### **Amendments negatived.**

**The Hon. DAMIEN TUDEHOPE (17:52):** I move Opposition amendment No. 1 on sheet c2024-171:

**No. 1 NSW Police Force to be represented on music festivals panel hearing appeals against imposition of government charges in relation to music festivals**

Page 10, Schedule 1[36], proposed section 19C(4), line 16. Omit "Destination NSW.". Insert instead—

Destination NSW,

(d) a person representing the NSW Police Force nominated by the Commissioner of Police.

The Opposition does not oppose a panel to determine an exemption from costs. In fact, we made it clear during the second reading debate that we believe that the option for an exemption should be more widely available. You made the observation yourself, Chair, about not picking winners and losers. All sorts of organisations may seek exemptions from fees which may otherwise create a circumstance where a sporting event, for example, might not be able to proceed because of the cost of the event. We are very attuned to the idea of a panel to review the imposition of those fees. However, the panel outlined in the legislation is inadequate.

The Opposition believes that the NSW Police Force should have a seat at the table. The NSW Police Force plays an important role when it comes to music festivals, particularly for safety and security at those festivals. Police insight and experience would make a valuable addition. The last thing we want is a panel exempting user-pays charges without input from the police. It strikes me as bizarre that the police would not have a say in an exemption from fees payable in relation to the police. The Opposition commends the amendment to the Committee.

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (17:54):** I thank the Opposition for moving the amendment. It cuts across the goal of the bill, which is to have some agencies inside government have a second look at user-pays charges that mean a festival might fall over, outside of the agencies that charge those user-pays charges. In the first instance, we are relying on those internal checks by, for example, police or ambulance to look at it at a senior level and ask, "Is this a reasonable amount of service provision and cost?" If a festival is falling over, it has a right to appeal. But the Government does not support that appeal going to a panel that includes the police, while no other agencies that charge costs—for example, the ambulance—are on that panel.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Damien Tudehope has moved Opposition amendment No. 1 on sheet c2024-171. The question is that the amendment be agreed to.

#### **The Committee divided.**

Ayes .....13  
Noes .....20  
Majority.....7

## AYES

Barrett  
Carter  
Fang (teller)  
Farlow  
Farraway

Franklin  
MacDonald  
Merton  
Mihailuk

Munro  
Rath (teller)  
Tudehope  
Ward

## NOES

Boyd  
Buckingham  
Buttigieg  
Cohn  
D'Adam  
Donnelly  
Faehrmann

Graham  
Higginson  
Hurst  
Jackson  
Kaine  
Lawrence  
Mookhey

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

## PAIRS

Maclaren-Jones  
Mitchell

Houssos  
Sharpe

**Amendment negatived.**

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

**Motion agreed to.**

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

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

**Motion agreed to.**

### Adoption of Report

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

That the report be adopted.

**Motion agreed to.**

### Third Reading

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

That this bill be now read a third time.

**Motion agreed to.**

## REGIONAL COMMUNITIES (CONSULTATION STANDARDS) BILL 2024

### First Reading

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

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

**Statement of public interest tabled.**

**The Hon. TARA MORIARTY:** 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. TARA MORIARTY:** 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.**

**WATER MANAGEMENT AMENDMENT (WATER ACCESS LICENCE REGISTER REFORM) BILL 2024**

**First Reading**

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

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

**Statement of public interest tabled.**

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

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

**Motion agreed to.**

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

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

**Motion agreed to.**

*Committees*

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

**Establishment**

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

MR PRESIDENT

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

- (1) This House agrees with the Legislative Council's amendment to the resolution appointing a Joint Select Committee on the Greater Sydney Parklands Trust.
- (2) That a message be sent informing the Legislative Council of this resolution.

Legislative Assembly  
26 September 2024

GREG PIPER  
Speaker

*Bills*

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

**Returned**

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

**ROAD TRANSPORT LEGISLATION AMENDMENT (SPEED CAMERA DETECTION) BILL 2024**

**Second Reading Speech**

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (18:08):** I move:

That this bill be now read a second time.

I am pleased to introduce the Road Transport Legislation Amendment (Speed Camera Detection) Bill 2024. This bill will deliver on a key action now announced by the New South Wales Government as an outcome of the Road Safety Forum it held in February this year. The purpose of this bill is to amend the Road Transport Act 2013 and its regulations so that the current legislative framework for average speed camera enforcement for heavy vehicles will now apply to all vehicles. It will allow evidence of the average speed of a vehicle recorded between detection points to be used as evidence of the actual speed of the vehicle for the purposes of speed offences.

The New South Wales Government's 2026 Road Safety Action Plan includes our goal, consistent with the National Road Safety Strategy 2021-30, for zero trauma on New South Wales roads by 2050. The plan outlines our ambitious target on the road to zero, which is for 50 per cent fewer deaths and 30 per cent fewer serious injuries by 2030, compared with our average over 2018-20. We are concerned that after three consecutive years

of reductions in road fatalities in New South Wales, fatal crashes and fatalities increased significantly in 2023. Up to 31 December 2023 there were 351 fatalities on New South Wales roads.

As a first step to addressing the increase in deaths, we hosted the Road Safety Forum in February this year. Over 150 experts and stakeholders attended to discuss ways to improve road safety. I thank the shadow Minister for Transport and Roads for being present at the Road Safety Forum and for her participation. It was a platform to discuss research, best practice and initiatives to help New South Wales meet its road safety targets. A clear theme from the forum, from national and international practitioners, was that by restricting average speed camera enforcement only to heavy vehicles, we may be failing to maximise safety benefits from this proven measure.

New South Wales is the only jurisdiction in the world known to systematically limit average speed enforcement detection to a class of vehicles rather than applying it to all vehicles. While our network of average speed camera lengths in New South Wales has been selected with a focus on heavy vehicle trauma, 79 per cent of all fatalities and serious injuries across the State's existing 31 average speed camera enforcement lengths do not involve any heavy vehicles. That was the finding between 2018 and 2022. Following the forum, the New South Wales Government has committed to examining the benefits and challenges of using average speed cameras to also enforce speeding by light vehicles.

Many European countries, such as the United Kingdom, Italy, the Netherlands and Norway, use average speed cameras to monitor the speed of all vehicles as part of their automated enforcement strategies. Studies show that gets results. For example, a 2015 study in Norway found that average speed cameras cut deaths and serious injuries by 49 per cent. Similarly, a 2016 study in the United Kingdom showed a 36 per cent reduction in fatal and serious injury crashes with average speed camera systems.

Average speed programs in Australia vary in size and maturity, and cover a range of regional and urban locations. Victoria, Queensland, South Australia, Western Australia and the Australian Capital Territory all have average speed camera programs that enforce both light and heavy vehicles. Enforcement of average speed is also generally considered a fair form of enforcement, as drivers demonstrate intentional speeding behaviour over a long length of road or time, not just at a single point. Research conducted in New South Wales in 2024 found that 68 per cent of respondents thought that average speed cameras were important in making New South Wales roads safe.

My colleague in the other place has detailed the provisions in the bill. I indicate that I will seek leave at the end of this speech to incorporate those elements, including the current arrangements for average speed camera detection. However, I make some additional remarks about the trial because I think that is important for members. On the point about fairness, one view that has been put to me is that these are very much second-chance cameras. When you pass through a single point of detection, you are either speeding or you are not, and sometimes that is unintentional for drivers. These cameras give drivers a second chance some kilometres down the road to have their speed taken as an average over the course of a distance rather than at a point in time. That is one of the reasons drivers generally believe they are fairer.

The New South Wales Government intends to implement a trial to expand the use of average speed cameras to include light vehicles. The trial will look at the safety impact of the technology. The amendments in this bill will enable the issue of infringements for offences committed during the trial. This is important to obtain a true measure of the effect that the enforcement can have on driver behaviour and trauma. It is proposed that the trial will operate in two locations out of the current 31 average speed camera locations across New South Wales. Those locations are on the Pacific Highway between Kew and Port Macquarie, and on the Hume Highway between Coolac and Gundagai. Both the proposed locations are established sites that have enforced heavy vehicle average speeds since 2011. They have a history of fatal and serious injury crashes involving light vehicles.

We know the trial will be a change for motorists in New South Wales, so it will be supported by community and stakeholder communications. All average speed camera locations have warning signs installed. The trial lengths will be clearly signposted and enforcement will be evident to motorists. It is the Government's intention these will be signposted to make it clear that there is all-vehicle enforcement taking place at these sites. In addition, consistent with current policy when new average speed cameras have been installed for heavy vehicles, the trial will operate with a 60-day warning letter period for light vehicles prior to infringements being issued for the period. Penalties will align with penalties for existing light vehicle speeding offences. Fines will be reinvested in the Community Road Safety Fund, which I was pleased to see was acknowledged by members in the debate in the other place. It is one of the protections for the trial.

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

**Leave granted.**

The Community Road Safety Fund commenced in 2013 and is established under the Transport Administration Act 1988. Under existing provisions of that Act, fines from camera-detected speeding, red light, mobile phone use and seatbelt offences are paid into the fund and can only be used to deliver Transport's road safety measures.

The Community Road Safety Fund, which includes both road safety camera fine revenue and additional investment by the New South Wales Government, is used to deliver a broad range of road safety initiatives, as outlined in the 2026 Road Safety Action Plan.

This includes life-saving infrastructure safety upgrades and treatments across the network, testing and rating of child restraints, police road safety operations, road safety education programs, school crossing supervisors, and the Driver Licensing Access Program.

#### **Trial review and future of enforcement**

The bill will commence on assent, however there will be a necessary development period to finalise the sites and complete technical updates to support the trial. The trial is expected to start in 2025, with the commencement date to be clearly publicised in a future announcement.

This bill represents the first significant step in exploring how average speed enforcement can further enhance safety in New South Wales.

Transport for NSW, together with the NRMA, will closely monitor the trial and an independent review will be commissioned to clearly document the outcomes. This will include the measurable effect on drivers' speeding behaviour and analysis of offences.

The review will help inform any decisions about the future of average speed cameras post-trial.

#### **Transparency**

I note that the Greens will move an amendment focusing on transparency and reviewing the trial.

I want to be as transparent as possible on the results of the trial and, as I have done with seatbelt camera enforcement, provide regular updates to the House.

#### **Close**

The impact of road trauma is real for so many in our communities.

The introduction of this bill reflects the commitment of the New South Wales Government to listening to expert evidence, trialling road safety measures hand-in-hand with the community and taking more action to meet the targets in our 2026 Road Safety Action Plan to reduce deaths serious injuries on our roads.

I commend this bill to the House.

### **Second Reading Debate**

**The Hon. NATALIE WARD (18:15):** I contribute to debate on the Road Transport Legislation Amendment (Speed Camera Detection) Bill 2024. I thank the Minister for his comments. These reforms have had a long and winding road, so it is crucial to understand how we got here. I do not think it will come as any surprise to the Minister when I say that we got here because it seems that the Government has failed when it comes to road safety. We got here because the Government did not listen until it was too late. It was not a focus or priority of the Government until it was shamed into doing something on road safety. Under the former Government, the road toll was consistently heading down. Since Labor came to power, it continues to increase. I accept that the Minister acknowledged that in his speech, but those are the facts. For those reasons, we have been raising concerns about road safety for some 18 months.

In fact, the Government's record on road safety is abysmal. In the hypocrisy of the century, it is now turning back to fining people instead of investing in people. I will outline the hypocrisy of this Government. Prior to the election and straight after, the Minister for Roads heralded a new approach. He talked about the carrot instead of the stick for road safety. Well, his carrot saw the road toll increase, so he has desperately gone back to the stick. The Premier and the Minister led the charge against the mobile speed camera program. The key critique was that a fine in the mail weeks later does not help anyone stay safer. But what have they turned to?

On 30 May 2023 the Minister—a fresh Minister with a fresh approach—said in this House, "Safety is important, but receiving a fine six weeks later is not the safest way to remind people to slow down." His fresh approach has clearly failed. Now he is in government, his policy is to do the thing he opposed in opposition. The problem is that the Opposition saw this coming. I asked him, in a *Dixer* on notice in June 2023, "Can the Minister please advise what your top three goals are as Minister for Roads?" I thought that as an experienced member of the Legislative Council, which he is, he would be across his brief and respond with what was important to him. Surely road safety would be important.

Three weeks later I got the answer about his priorities, which were tolls and local roads. I note that most local roads are not fully funded, but I digress; we will talk about that more in estimates. I was gobsmacked when I received the answer because he did not mention road safety as a priority. At the time I was worried, but I thought, "No, he must be excited as a new Minister. Let's give it time. Let's wait and see." So I looked at his diaries for the first six months, thinking surely action would be louder than words. His priorities for meetings in the first six months were to meet with Bluesfest twice, the Groovin the Moo festival and the country music festival. I wondered

how the diary reflected those stated priorities. I asked him at estimates hearings: What is your priority? The answer was that the Government was trying the carrot and stick approach for the first time in the road safety space. I ask the Minister: How is the carrot approach working now?

We then had the road safety summit. It was organised on short notice only after the Opposition had called for it. After a day of hearing from the experts we saw no new investment across the road safety program. We thought we would hear a comprehensive argument from the Treasurer about the need to invest in local roads—that that is what saves lives—but we did not hear anything. The Minister got his media appearance and that was about it. We did not hear any more about the pressing need to act on the recommendations of that day-long summit; we did not hear about investment or capital; we did not hear anything further.

Nonetheless, I turn to the bill and the trial, because it seems to me that they are fundamentally two different things. The Government's spin about what it is announcing does not match what it is doing. The Government announced two trial locations for average speed camera enforcement. I acknowledge that was in the public interest statement, in the announcements and in the media, but we have not seen anything to do with that in the bill. Five sites were proposed by the experts and the Minister selected two. I ask him in his speech in reply to outline the basis of his selection of those two sites. To be fair, I acknowledge that the Minister is very collaborative, he does reach out and he did so early in this process. I acknowledge that he is a good communicator in that regard and that he provided those sites to the Opposition for our information. I appreciate and acknowledge that. However, for the public record he should outline them and why he or his advisers chose those particular sites.

I note, as I said, that the trial is acknowledged in the public interest statement, but we do not see it reflected in the substance of the bill. I would have thought that if it was something you are going to hang your hat on, it would be set out clearly in the bill. You would want to say, "This is what we are doing. We are putting it in the bill so it is clear for everybody. We are being very up-front about what we are doing." Very kindly, the Minister and his office—and I thank them for their work—provided a briefing note that set out that the trial is scheduled to start in mid-2025. That is good to know. But, more interestingly, and I think more importantly, the Government is yet to say on the public record how long the trial will go for before a decision is made to expand, conclude or act on it. Also, more importantly, the Minister has declined to elaborate on what the results will be.

Why is this important? This is important because road safety works best when it is consistent, clear and transparent. A mid-2025 start enables the Government to kick the policy decision down the road if it becomes politically convenient to do so. That is not something we think is in the interests of transparency and accountability that the Government talked about so much prior to being elected. Is it a 12-month trial? Is it an 18-month trial? Is it a trial before a further trial? Or is it a trial until post an election date? We are not clear and we would like to be clear, because we think that is what the people of New South Wales and the drivers need to understand in the Government's policy approach. If it is fair dinkum about getting public buy-in to the program, it would be transparent with the time line; it would be clear about it.

I believe that there is a lack of detail because the Government wants flexibility to suit its agenda. The bill as originally drafted does not mention a review once. Again, I say if the Government was fair dinkum about this, it would put in the bill that there is a review, there is a trial, these are the locations and this is why. But none of that is outlined. It seems to me a very high level, comprehensive, take out the words "heavy vehicle" and we will leave open the options for everything else. The question of making it a trial has been raised only as possible amendments from the Opposition and The Greens and we want to ensure that there are some time lines. It appears that The Greens and the Coalition are more interested in holding the Government to its word than Labor is. We thought that there would be much more comprehensive detail in the bill about what it proposes to do.

I turn to the proposed review. The Government promised that there would be an independent review after the demerit points scheme, and yet there are crickets. We have not seen anything on that. I know this Government loves a good review. I have almost lost count of the number of reviews. I have tried to keep count diligently. I have tried to ask questions about it. I know it is over 30—I actually have not lost count! I will give the Government the benefit of the doubt—there are plenty of reviews going on, but we are not hearing much about the outcomes. Suddenly, the Government does not have much to say if it is a review of its road safety policies or its record. This review is apparently to inform further decisions. It is a review to think about a review that might talk about something in the future where it might decide. That review does not have any public terms of reference, it does not have a reporting date, it does not have any accountability for the Government. They are our concerns.

I turn to other issues. In my experience new road safety programs always have implementation challenges, and we acknowledge that. There is always a time for which these things must be implemented and the general driving public needs to get used to them. But there is already a challenge before we get started: the P-plater loophole for the average speed camera detection program. For example, a red P-plater—I have two of them in my house, terrifyingly, and if members saw the state of my car they would see the outcome—can travel at only 90 kilometres an hour on any road. However, should they speed and travel the signposted limit of 100 kilometres

an hour, will the detection cameras pick up their poor driving behaviour? Will we see implementation for them? Or is that a loophole that will not be solved? The last thing we want in a trial enforcement program is to ignore our most at-risk cohort of drivers. I hope the Minister can also address that in his reply and provide a clear and unequivocal response from Transport about how this loophole will be addressed for all P-platers and their families.

I foreshadow that the Opposition will move amendments, which have been circulated. We hope the Government will support them. Ironically, the Opposition is amending a Government bill to enforce what the Government has proposed, and indeed is going a step further. The proposed amendments enable the Government's trial to occur—the trial that it has talked about, the trial that the press release talked about. We are seeking to put that in the legislation. We seek to include a metropolitan location in the trial areas. If the Government is comprehensively confident about its prospects of success, we ask it to return to Parliament, to be transparent and to be accountable before it seeks a full rollout of average speed cameras across the network. We would have thought if it is a trial and if it wants a review, it would produce the data, turn up to Parliament and say, "This is what we have done and we propose to roll it out further" or, "We have further work to do." That is the role of Parliament. That is not what the bill says. The bill is a carte blanche for the Government to do whatever it wants at any time with no further accountability. That concerns us.

Our view is that the Government returning to Parliament will provide that accountability and our amendments will limit the trial to 12 months. We think that is fair with the roll-in period. The Minister would have the ability to extend that period for two months. There is plenty of flexibility and accountability in our amendments. It is a reasonable and fair period of time, and that is in line with the Government's policy objective. However, it also provides the Parliament with the right to see the results of the trial before broad, unlimited powers are provided to the Government to do whatever it wants for eternity. As the bill stands, without amendment, it would enable carte blanche ministerial control over the future of average speed camera policy, including kicking it down the road or delaying it as long as possible to suit any political time line. That is not how road safety should operate. That is not how road safety policy should be rolled out in our view.

The truth is that the road toll has been increasing under this Labor Government, which no-one wants to see. No-one thinks that is acceptable. Everyone wants to prioritise road safety because they want to see their family members and other drivers get home. They do not want to face the tragedy that so many families have faced this year and for so many years. As a former roads Minister, I am all too aware of the impact road trauma has on families and communities. Every road trauma event on the news means at least one less person at the family table at Christmas, for birthdays and for anniversaries. Parents lose children and children grow up without parents or siblings. The tragedy is often preventable.

We know that road trauma has devastating impacts on people—on loved ones, on families, on communities. That trauma reverberates. As roads Minister, one gets to do exciting things such as visit projects and cut ribbons. A key moment that left a mark on me was attending a road trauma support group meeting late at night in south-west Sydney, where I met with the family members of people who had lost their lives—they object to the words "lost" and "accident". Those are horrific, traumatic events in which their loved family members have died and will never come home. I saw the hope, the pain, the sorrow, the grief and the lived experiences of those incredibly strong people as they told their stories. Every one of those stories stays with me today. I looked those broken family members in the eye and listened to their devastation, and that will never leave me.

To receive that phone call, or make that phone call to other family members, or to not know until you get to the scene of a road trauma event what has happened is horrific. I must acknowledge the first responders who have to deal with those horrific scenes. I acknowledge the incredible work of the people who are there first. Doctors and nurses have to deal with devastating injuries. They provide care to keep people alive while under immense stress, or lose those people that they are not able to save. The police have to break devastating news to family members that their loved one is never coming home again.

Passengers may be killed or injured through no fault of their own. Parents have lost children. Some teenage drivers have had multiple young people in the car. It is important that we continue to promote the message that we must treat everyone on the road as if they were our own family members. That includes the people in the car in front of us, the people in the car behind us, those beside us and those that we are potentially putting at risk by adding a few kilometres an hour to our trip.

I acknowledge that Peter Fraser is in the Government's press release. I met with him and heard his tragic story of losing his beautiful daughter, Sarah. Peter set up the Safer Australian Roads and Highways group, and I proudly wear that organisation's pin today. He has worked to raise awareness and ensure that we have safer Australian roads and highways. A fundamental part of the Government's job is to invest in roads. I acknowledge that road safety policy is complex; I get that it can be difficult. But, ultimately, while I have been critical of the Government on many occasions about the road safety record and I will always hold the Government to account, I commend the work that has been done and any steps that are taken to keep people safe.

This is only one part in a complex puzzle that requires investment in road safety, which is why I am proud that I was part of a government that established the Community Road Safety Fund. The Coalition Government established that fund so that so-called revenue from speeding fines directly pays for road safety upgrades, education campaigns and all of those things that save lives on our roads. That should continue. I would love to see the day when that fund does not get a single dollar because no-one is speeding and there are no speeding fines or average speed cameras. The one simple way to not get a fine is to not speed. Think about everybody else on the road. Arrive five minutes later—it is not that hard.

I do not doubt the character of this Minister or his team, and I do not doubt their commitment to road safety. As leaders in our community, we cannot talk a big game and not be prepared to back difficult decisions when a government acts to try to stop people dying on our roads. I acknowledge that data from other jurisdictions shows that average speed camera enforcement could help, with other road safety policy, to reduce fatalities. That has been demonstrated in other places. It is not a silver bullet, nor is it an Orwellian overstep; it is an opportunity to see if the change will have an impact.

The measure of support from the Opposition is contingent on the behaviour of the Government. Enforcement must be met with investment. Press releases must be met with priorities. Nothing substitutes for the police highway patrol. Nothing substitutes for education campaigns, rumble strips, seatbelts, investing in road upgrades, looking at hotspots or even just performing simple maintenance, as we have seen so many of our roads run down. When this inevitably gets kicked down the road, the review gets delayed, we do not have accountability or we do not have an independent body assessing the data, it will be a sign that once again politics is playing too aggressive a role in Labor's road safety approach.

I hope that I am wrong—I really do. I foreshadow that the Opposition will move amendments to the bill to ensure accountability. I will talk about those in more detail later. Let us see the data and see what a great job is being done, if that is the case. If a great job is not being done, let us reassess it. All members of this place can put their great minds to the problem. Opposition members will work as hard as Government members on convincing the Treasurer that he should fund this program in the way it should be funded for every local community.

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

**The Hon. SARAH MITCHELL (20:01):** I contribute to debate on the Road Transport Legislation Amendment (Speed Camera Detection) Bill 2024. As the Hon. Natalie Ward foreshadowed, there will be some amendments moved in the Committee stage, which I will speak to. This is a key issue for The Nationals. It is something we feel very strongly about, and I think it is important to put my views on record about what is being proposed by the bill. I say at the outset that road safety is incredibly important. There will be no disagreements about that from members on either side of the House.

We know that we need to bring the road toll down. Every life that is lost on a road is one too many. Those of us who live in country areas are particularly aware of the high number of crashes in regional New South Wales. We know the statistics and, for us, those statistics are not just numbers. They are people that we know, and they are people who we grieve. It is important to make sure that the government of the day, whatever its persuasion, is doing everything it can to keep people safe on our roads. When driving in the country, you tend to drive for longer distances at a faster speed. Depending on the piece of road, the speed limit could be either 100 kilometres or 110 kilometres per hour.

Opposition members drive hundreds of thousands of kilometres in their capacity as members of Parliament, so it is certainly something that we are familiar with. When driving in line with a higher speed limit, any consequences of a crash will be far more significant than an equivalent crash at the lower speeds driven in the city. People who are not as experienced at driving on country roads in certain conditions can be more vulnerable and become victims of road incidents. We need that perspective when we look at any bill that seeks to reform road safety.

My concern, and one many of my colleagues in the other place spoke about, is that the system was not set up for light vehicles. There is information about average speed cameras that is now available on the Transport website. I was told it was not there a little while ago but it is now available. That information makes clear that the way sites were chosen for point to point cameras was based on several factors, including the frequency and severity of heavy crashes, heavy vehicle speeds and road conditions. We know that the point to point network that operates across the State was set up with heavy vehicles in mind. The Opposition has concerns about what will happen when the cameras are turned on for passenger vehicles and whether they will be as effective as the Government claims.

My understanding is that, because they are part of a network, they often track not just speeds but also fatigue and rest management, in line with heavy vehicle legislation. I am not quite sure how the Government proposes this will work for passenger vehicles when the bill is passed and we eventually see these speed cameras turned on across the State for light vehicles. I would love to receive some clarity on the intention from the Minister in reply. Government members speak about a trial, and I will get to that in a minute. But there are serious questions being asked about what a statewide rollout would look like. The people of New South Wales deserve to understand what the impact of the cameras will be if—and, more likely, when—they are turned on statewide.

For heavy vehicles, there is an additional demerit point incurred by a heavy vehicle driver who is detected speeding using average speed enforcement. The *Average speed cameras* fact sheet explains, "This is because offences detected by average speed enforcement demonstrate a continued intention to speed." The Minister downstairs said that the normal demerit system would apply for light vehicles picked up using these speed cameras. But, again, I would appreciate some clarity on that from the Minister in reply. If the reason that heavy vehicles incur an additional point is because detection by these cameras shows "a continued intention to speed", is that something that the Government will look to apply to light vehicles or passenger vehicles with the passing of this legislation?

Members on this side are happy to have enforcement measures in place to stop people speeding on country roads, but our concern is that speed camera detection in and of itself is not going to be the single solution to bring down the road toll in regional areas, and we want to make that clear. Speed cameras are not as effective as visible policing. We know there is a police shortage in the regions. We have heard from the Minister in estimates that there are not enough police in the force at the moment. As someone who drives frequently on country roads, I can say that I do not see as many highway patrol officers as I used to. I appreciate that police resources are stretched. But what concerns me is the Government saying these speed cameras are the way we will manage speeding in country areas, when the roads need to be visibly policed.

Money also needs to be spent on road safety upgrades. We often find it is projects in regional New South Wales that are the first to go out the door when Labor governments are elected. The Nationals' position would be that the Government needs to make sure it has multiple opportunities to bring down the road toll and looks at a range of factors together to ensure that people are safe on regional roads. Our issue is that the Government is only picking one, which is turning on these average speed cameras, and that it will hide behind that as its answer to the road toll rather than investing properly in more visible policing or road upgrades.

There is also the question as to whether getting a fine in the mail weeks later will change behaviour. Again, there is a certain sense of irony here. Just this week Government members have been talking about changes to ticketed parking. They are going to make sure that people receive a parking fine ticket immediately because if they do not receive it immediately, they are unable to contest the fine and raise any issues: They might not know about it for weeks, so it is not going to change their behaviour. That is exactly what is going to happen with these average speed cameras. It is not going to slow people down immediately. People might get caught out by them but not know it until weeks later. These cameras are not a substitute, as I said, for visible policing and having safety upgrades to roads.

The Government says this is a trial. The Hon. Natalie Ward covered this topic very well, so I will not elaborate on it. Nowhere in the legislation is the word "trial" mentioned. The Government has said that it is doing a trial in two regional areas, on two stretches of road. It has not told us how they were chosen, only that the evidence said that is where they need to go. There is a big network of these cameras across New South Wales, and we are curious to know from the Government why those two sites were chosen. What is the data? What is it trying to measure? Will it be purely based on fatalities? Will it be based on crash data? Will it look at light vehicle issues versus heavy vehicle? There is not a lot of clarity. That makes us suspicious about the real intention behind the bill.

Another of our issues is that the only two trial sites are in the regions. There are average speed cameras in metro areas. Our amendments, which I will speak to later, go to that. If the trial is good enough for regional areas, the Government should also trial it in a metro area, proving that it is an effective and efficient way of making people slow down and that it is having the intended effect. The amendments are sensible and I will speak to them in the Committee stage. We want to make sure that we have a comprehensive approach to road safety in regional New South Wales. We should not take a low-hanging fruit approach, which is what we think this is.

We would love the Government to say that at the same time as it is doing the trial it will also commit to road safety upgrades and more highway patrol and do a big advertising campaign to make sure that everybody knows these are important issues. Instead, Government members are saying, "There might be a trial that we think will start midway through next year, but none of those details are in the bill. We will maybe let you know how it goes, but not necessarily, because we won't be compelled to come back to the Parliament or any public setting to

tell people if this is effective in bringing the road toll down, how much money is being collected and how much of it is being invested back into those communities." People need to know that.

I finish my contribution by saying I live in an area where there is a set of point to point cameras, between Gunnedah and Tamworth. I drive that road at least twice a week, sometimes more. It is a more than 60-kilometre stretch, and there are a couple of stops along the way. It is entirely possible that somebody could leave Gunnedah, go over the speed limit, get to Carroll, stop, get a bit of petrol, hop back in the car and leadfoot it again to Somerton. They could stop there, get a coffee, use the toilet and go to the local pub, which used to be called Cathy's Tavern but is now called something else. They could have a soft drink, get back in the car, speed and get to Tamworth. They will not be picked up by the cameras. But if there was a highway patrol car parked there, and they did not know it was just around the corner, they would be. That is a hypothetical example, but the reality is that the bill, in and of itself, will not necessarily be the answer that I think the Government hopes it will be.

As I said, we all want the road toll to go down. We do not want to intentionally stand in the way of anything that could protect lives on country roads. But we want this to be done properly, in a transparent and open way. The Opposition will move amendments. The Nationals will reserve our position on the third reading of the bill, depending on the outcome of the Committee stage.

**The Hon. ROD ROBERTS (20:12):** I contribute to debate on the Road Transport Legislation Amendment (Speed Camera Detection) Bill 2024. This is not something of recent invention for me. I have spoken about road safety in this Chamber for a number of years. In fact, I remember banding together with the Hon. Walt Secord when he sat on the Opposition side. We criticised the Coalition when it was in government for removing the warning signs for speed cameras on the side of the road.

There is a member of The Greens in the Chamber. They will be shocked and horrified, and they will say that I pander to the shock jocks, but I have been on the Ray Hadley program a number of times to talk about road safety. So when I say that I have concerns about the bill, it is not to have a go at the government of the day. It is to continue something that I have been talking about for a long time. In her contribution the Hon. Natalie Ward talked about grieving families. I have experienced that firsthand by delivering the death message. Fortunately, it has not happened to my family. There but for the grace of God go we. But as a 19- or 20-year-old uniformed constable back in the day, I had to do the knock on the door at 3.00 a.m. to deliver a death message about a road fatality. It was extremely traumatic for the families and for me. I still carry that burden with me.

I describe the policy in the bill as lazy and cheap. This policy will not reduce the road toll in the slightest. It will have absolutely no effect. I will explain why. There may be some logic behind expanding the use of average speed cameras so they can capture all vehicles instead of just heavy vehicles, but that will be futile. To demonstrate that, we do not have to look much further than the two sections of highway the Government has selected for the trial. I know firsthand because I drove the Coolac to Gundagai section last Saturday and Sunday. I was invited to a social function in Wagga Wagga. My wife and I drove down, stayed overnight on Saturday and drove back on Sunday.

**The Hon. Wes Fang:** You could have stayed with me.

**The Hon. ROD ROBERTS:** I did not alert the Hon. Wes Fang that I was going to Wagga Wagga, but I think I have an exemption under the Act and my passport is stamped so I can travel to Wagga Wagga any time I feel like it. I have not driven the Kew to Lake Innes section for some time. I had my staff give me a Google Maps overhead of that particular area. The Coolac to Gundagai 16-kilometre stretch is double lanes both ways, with the world's widest median strip in between. That is not a dangerous stretch of road. There has not been a fatality there in years, and—touch wood—I hope there are no fatalities there.

That stretch of road has a number of turn-offs to much smaller towns, including Coolac, and very good rest areas, and they have been there for some time. I do not know which government was responsible for them, but there is a very good rest area there. I complimented the Minister for Roads the other day off camera on the heavy vehicle rest area just north of Spring Farm Parkway, and I congratulated him on the delivery of that truck area. I will take a bit of a swipe—that truck area has no facilities for the truckies to use. Nevertheless, I drive that stretch of road twice a week, so I am familiar with it. There are numerous places to turn off or pull over and stop on that stretch of road.

The Hon. Sarah Mitchell made some very wise observations in her contribution; she stole my thunder. A person can drive under one of the average speed cameras at 200 kilometres an hour like an absolute lunatic, then pull over, have a coffee, have a smoke if they are that way inclined or use the rest room facilities, then drive back onto the road after 15 minutes, and then gun it through the next camera. They can be recorded as being under the average speed limit even though they were driving in a manner that is dangerous to the public. The cameras will do nothing to stop that. This is only going to raise revenue. The Hon. Sarah Mitchell said there is no deterrent



better than a marked highway patrol car. That is what is needed. I know the difficulties, but they have to focus on that. I have spoken about that for years and years. That is the only deterrent.

Even in situations when a speeding driver does not stop to reduce their average speed and gets caught by the cameras, it is going to take days or weeks for the warning letter or the fine to arrive in the letterbox. All morning this House heard the Hon. Courtney Houssos talk about the need to give parking tickets immediately to change drivers' behaviour. I will support that legislation, but it is ironic that they are saying, "We are going to do this trial and send out tickets weeks after." How does that change a driver's behaviour on the spot when they are driving dangerously? It does not.

All that does is send a ticket in the mail and we get a few more dollars in. It will do nothing to change the driver's behaviour. Given their ability to issue fines and licence suspensions on the spot, highway patrol units have a much stronger deterrence value. We all know that. We have talked about that in this Chamber. I remember when current Government members were in opposition and they were rallying behind me, saying that there should be more signs for the mobile speed cameras. Do other members remember that?

**The Hon. Sam Farraway:** I remember that.

**The Hon. ROD ROBERTS:** Exactly. How they change when they get on the other side—the hypocrisy! Bring back Walt, perhaps?

**The Hon. Greg Donnelly:** Be careful what you wish for.

**The Hon. ROD ROBERTS:** I acknowledge that interjection. He was a good guy. I think this is only about revenue raising. I am really critical of the fact that it is only going to be on rural roads. I drive from Goulburn every week, as everybody knows. The most dangerous stretch of road coming from Goulburn is north of the Picton turn-off coming into metropolitan Sydney. I came up on Sunday night because I had meetings here on Monday morning. We were all travelling along at 110 kilometres per hour. It was great. The traffic was flowing tremendously. But I have a good habit of constantly watching in my mirrors for what is going on behind me. There was some absolute idiot—I am toning my language down from what I would like to call him—who was weaving in and out of traffic. He actually went down the breakdown lane. Dust, dirt and other stuff was going everywhere. He had no need to do that, other than that he was in a hurry. We were all doing 110 kilometres per hour. No-one could go faster than that, except this idiot. Where were the cameras?

We are going to put the cameras out on the highway in an area where there has not been a fatality for two years—out on big, open stretches of the Hume Highway. If the Government wants to be fair dinkum about it, it should do that in some of those other areas. Do not say it cannot be done, because every time I go shopping in Canberra with my wife—which is quite frequently, unfortunately—we drive between Fishwick and Woden. I do not know if other members are familiar with that road, but it is in a metropolitan area and it has the fixed average speed cameras that the Minister wants to introduce. It can happen in metropolitan areas. It can be done. I do not know why it is being targeted out in the bush in areas that have no fatalities. Why would we do that? It is because, as I said at the beginning, it is lazy and cheap.

Government members are trying to say, "Look at us as a government. We are doing something about the road toll." We do need to do something about the road toll. I have banged on about it forever. Imagine we were losing this many people a year to gun offences. Let us go to the issue of knife crimes. There was increase in stabbings. What happened? The Attorney General drafted new bills to increase the penalty for knife offences et cetera. We have introduced Jack's law. We are doing all of that. But we are losing hundreds of people a year on the roads, and what do we do? "Oh, we'll put a bit of a fine up here on this speed camera thingo." It will have absolutely no deterrent effect, but that is the Government saying that it is doing something.

The Government's big call sign, and it was also the previous Government's big thing, is the Towards Zero campaign. We are not going towards zero; we are going in the opposite direction. Everybody knows that. If the Minister thinks that this is going to have any on effect on the road toll, he is sadly mistaken. That will take many things. Perhaps this plan is all right—I do not think it is, but it is a start. However, the Government needs to go back to having more police on the road and more deterrents. It also needs to put money into fixing regional and rural roads.

Now, I am not having a go at the Minister, and I do not want this to be taken the wrong way—that is not my intention. I do not play the man; I play the ball. In his position as Minister for Roads, the Hon. John Graham now has a driver and a car. I do not know when the Minister last personally drove on any regional or rural road. He deserves the driver and the car—I am not having a go. He is a busy person. He has to make phone calls and be on his laptop—he needs it. But I remember that the Minister used to ride a pushbike. I used to see him as I walked from my unit in Surry Hills. The Hon. John Graham used to ride a pushbike to work. Again, I am not having a go. That is reality of the world in which the Minister lives. I live in a world of regional and rural roads.

That is my background. That is where I live. That is what we put up with. We used to live 42 kilometres out of town. If we forgot a carton of milk, we had to drive 42 kilometres back into town to get the carton of milk and then drive 42 kilometres home. We did not ever forget the milk after a few months. We learnt to get the milk. That is the reality for people in the bush.

If we want to be fair dinkum, let us do something about fixing the quality of the roads. Although we have had bad seasons, with potholes and the edges of roads washed out and all that sort of stuff, we really need to fix the roads. It needs to be a concerted effort across government—more policing, and perhaps attempts like this trial, but fixing the roads as well. It is not about the one little thing the bill is trying to do. I have looked at the Opposition's proposed amendments. I am snookered again tonight because I will be in the chair during the Committee of the Whole and cannot vote, but I think they are good amendments and I throw my support behind them. If the Minister wants to be fair dinkum about reducing road trauma, I urge him to take it a step further and do some other things to augment the measures in this bill.

**Ms CATE FAEHRMANN (20:25):** On behalf of The Greens, I speak in support of the Road Transport Legislation Amendment (Speed Camera Detection) Bill 2024. New South Wales is the deadliest State in Australia for road users, and it keeps getting worse. Someone is killed or hospitalised every 50 minutes because of a crash on New South Wales roads. This year, up to May alone, 364 people died on our roads, up 32 per cent on the previous year. To save lives, we need to be making changes wherever we can, supported by the evidence, to reduce road accidents.

The NSW Road Safety Forum report, released in February, explored a variety of ideas as to how to meet road safety targets of halving road deaths and reducing serious injuries by 30 per cent by 2030. The most common point raised in group discussions as part of that forum was how to manage speed on our roads, with a broader implementation of average speed cameras and stricter enforcement of speed limits supported. The report found that a key factor that needs to be addressed is the cultural acceptance of speeding. Drivers commonly exceed speed limits, essentially viewing them more as guidelines than strict rules.

The expanded use of average speed cameras and the introduction of mobile average speed cameras is seen as a more effective speed management strategy. By offering a fair and equitable enforcement mechanism over long distances, average speed cameras could significantly reduce deliberate speeding. Average speed cameras are currently used in New South Wales for heavy vehicles. Between 2018 and 2022, 753 crashes that did not involve heavy vehicles occurred within the 31 current average speed camera lengths in New South Wales. Those included 25 fatal and 151 serious injury crashes. Another way of looking at it is that 79 per cent of all fatalities and serious injuries across the State's existing 31 average speed camera enforcement lengths over the period from 2018 to 2022 did not involve any heavy vehicles. That suggests that the program for heavy vehicles has been successful.

Average speed cameras are currently being used internationally to successfully monitor the speed of all vehicles, including in the United Kingdom, Italy, the Netherlands and Norway. A 2015 Norwegian study found that average speed cameras cut deaths and serious injuries in that country by 49 per cent. A 2016 UK study found a 34 per cent reduction in fatal and serious injury crashes with average speed camera systems in place in the UK.

I also acknowledge some of the concerns raised about average speed cameras. One is that they are a revenue-raising tool. However, for starters, fines from light vehicle average speed camera-detected offences, like all other camera-detected road safety offences, must be paid into the Community Road Safety Fund, which can only be used to deliver Transport for NSW road safety measures. The Greens would like to see the program rolled out sooner rather than later, and to more cameras across the State. We observe that as one of the few downsides to the program.

The program will rely on existing infrastructure in place for heavy vehicles. I understand that some technical updates will be needed to support the trial, and it will be underway by mid-2025. It is intended initially to be rolled out at two of the 31 current average speed camera locations in New South Wales. Those two locations are along the Pacific Highway between Kew and Port Macquarie and on the Hume Highway between Coolac and Gundagai. Those sites have a history of serious road accidents, as do many locations across the State. The Australasian College of Road Safety has written to my office to express its support for the bill, and I understand it has written to all MPs. It called this a significant step forward in road safety in New South Wales. In the Committee stage, The Greens will move an amendment around reporting on this initiative. For those reasons, we support the bill.

However, we would like this to be rolled out further. I had a conversation with the Minister about that as well. The evidence is well and truly in: Doing anything to reduce the overall speed of people driving on highways is a good thing. I acknowledge the member contributions about people making stops between average speed cameras, having coffee at cafes et cetera, then getting back on the road and speeding to the next camera. Some people will do that, but the vast majority will not. The vast majority of people will keep driving, and that is the

point. For picking up people who are driving long distances, this is another tool in the toolkit. Frankly, I do not think there are enough tools in the toolkit. New South Wales does not have enough highway patrol officers, highway patrol cars or cameras to catch people who are speeding.

Every time I talk on this issue, I mention that I grew up in Queensland, that I have lived in Adelaide and Victoria and that New South Wales is unbelievably lax in monitoring speeding. Every time anything is brought before Parliament to rein in people's joy at being able to drive just a little over the speed limit in this State, there is an almighty outcry, including from the usual suspects at *The Daily Telegraph*. This is a measure that should be in place right across the State, but this is a trial being rolled out at two locations. The Greens amendment will make sure there is more accountability and reporting on it, but it is a good thing. We should not be reacting to the cries of horror and outrage and how dare there be monitoring of how fast people are driving in this State. That is why New South Wales has the worst road fatality record in the country, other than the Northern Territory. The Greens are happy to support the bill, with caveats. It is far from perfect, but there is no way we will oppose a bill that brings in these measures.

**The Hon. STEPHEN LAWRENCE (20:32):** I make a brief contribution in support of the Road Transport Legislation Amendment (Speed Camera Detection) Bill 2024. There has been discussion about the road toll per year and a suggestion made that it was improving under the previous Government and is getting worse under this Government. I suggest that it is a bit more complicated than that. In 2013 there were 333 people tragically killed on the roads; in 2014, 307; in 2015, 350; in 2016, 380; in 2017, 389; in 2018, 347; in 2019, 353; in 2020, 284; in 2021, 275; in 2022, 281; and in 2023, 345. We generally see a pattern of between 300 and 400, but sometimes it falls below 300. The worst year in that period was 2017, with 389 deaths, which is dramatically different to 2023.

All the figures are terrible but, as tends to happen, statistics move around—whether they are crime statistics or any other population-wide statistics—and there can be various causes for that. That is an important consideration to inject into the conversation. But whether it is 345 in 2023 or 389 in 2017, we need to grapple with the idea that there may have been fewer deaths in both those years if we had trialled average speed cameras earlier. I say that based on some research that I will talk about later. That is what makes the bill important. It has the capacity to save precious human lives, to spare people of a cruel fate and their loved ones of the aftermath.

I will say a few things about some of the responses to the bill that have been made not only in the Parliament but also in the public domain and the media, because they evidence the need for the bill to be passed. It has been suggested elsewhere as well as in this Chamber that more police is the answer. I do not want to mischaracterise what the Hon. Rod Roberts said, because he certainly did not suggest that it is an either/or situation. But there have been suggestions that the focus should be on more policing. The reality is—and this is so for all sorts of crime—we cannot put a police officer on every corner. I struggle to think of many categories of crime where the immediate presence of police is a practical answer. I suppose an absolute true proposition is that if we put a police officer on every corner, it certainly would have a serious impact on crime. But we can never have enough police to have that effect.

Those calls for a focus on more policing should be viewed in context. There were 1,500 vacancies in the Police Force at the time the government changed. There was no concerted effort to put so many highway patrol police out there that it would have a meaningful impact on the issue. Even though it is not a practical answer to the road toll, in theory, if we could employ 100,000 more police and put them all on the highway, it probably would have a significant impact on speeding. But we are not heading there and it is not a realistic or sensible answer to the bill. There has also been a suggestion that the bill is about financing the toll relief measures in Western Sydney. That is wrong and false. All the money from the cameras will go into road safety projects. That is a fact. That suggestion is mischievous and is playing politics with a serious issue.

Dugald Saunders has also suggested that people could speed in a safe way. For example, someone who speeds up to 110 to overtake someone doing 98, and they do that three times in a 20- or 30-kilometre stretch, then as long as they do not slow down too quickly they will have behaved in a safe way and should not be fined. That is wrong on a few levels. When someone has a head-on collision at 110 kilometres per hour, which is the precise limit being talked about, the fatality rate goes up to 100 per cent. The suggestion that it is safe is ludicrous. More importantly, encouraging people to form their own judgement is seriously irresponsible. They cannot drive in excess of the speed limit and believe they have acted safely.

There has been another suggestion—also made in this Chamber—that this bill will not make a difference to the road toll; it will just raise revenue. That is wrong. As I have said, all the money will go into road safety projects. There is credible evidence in support of the efficacy of these cameras in driving down the road toll. The head of the School of Population Health at UNSW, Professor Rebecca Ivers, has said publicly that, based on research, they can reduce fatal and serious crashes by between 25 per cent and 46 per cent. That is not evidence that we can turn away from.

Questions were also asked about why we are not doing the trial in the city, but that is wrong. Some 25 of the 31 average speed cameras are in the regions. If we are talking about a trial of two, which is a statistically small sample, it might make sense on that level alone to have two in the regions. But two-thirds of the deaths are in the regions and nearly 80 per cent of the road safety program funding in the past five years has gone into the regions. In response to a specific suggestion made earlier, that has increased under the Labor Government. Previously it was under 80 per cent over the five-year period. As a resident of regional New South Wales, I am glad the focus is on the regions and on the danger spots, because that is exactly where it should be. Saying there has not been a fatality in a particular place for two years is not an answer to where the trials are taking place, which have been chosen for a range of reasons on expert advice.

I think all members from regional New South Wales will agree that we are sick of hearing the news or looking at social media and learning about another story of a multi- or single-vehicle crash causing death. That is what makes the bill so important. It has the capacity to save precious human lives. Our Road Safety Action Plan has an aim of zero serious trauma by 2050, and half of the current levels by 2030. The trial that is intended to come from the bill and what might follow is exactly what we need to do to start heading in that direction. Four out of every 10 road deaths are speed related. As I said, this trial is particularly important in regional New South Wales, where two-thirds of the deaths occur. It has increased of late, although the suggestion of a steady decline under those opposite and an increase under this Government is far from true. The worst year in recent times was in 2017.

As has been said, the Government held a Road Safety Forum earlier this year and this measure was a key demand of the experts—and we must listen to the experts. I urge all members to support the bill; give the Government the power to undertake the trial and act on the conclusions. I conclude by paying tribute to all the tireless road safety advocates who have fought for this change, especially those who were spurred into that good work by personal loss.

**The Hon. SCOTT BARRETT (20:42):** Road safety is important; no-one would suggest otherwise. Take it as a given that I believe that. Like everyone else, I believe that the 243 deaths on regional roads in the past 12 months are 243 more than we want to see. I will not take up too much time talking about the value and importance of effective road safety measures. Take that as a given too. But I am not convinced that these average speed cameras will make a huge improvement to our road tolls on regional roads. I am even less convinced that it is the most effective lever for us to pull. If we are looking for a measure to put a real dent in the number of fatalities on our regional roads, this is not it.

The bulk of accidents are not occurring on the roads that house the speed cameras; they were set up for an entirely different purpose. And accidents are not occurring predominantly because drivers are exceeding the speed limit. When we have accidents on regional roads, the consequences are often worse because we have higher average speed limits than within metro areas—often up to 110 kilometres per hour. I hope that part is obvious. But that does not mean that accidents are occurring because of people exceeding the speed limits.

The severity of accidents is increased by speed, but the accidents themselves might not result from speeding. There are far more prominent factors. These are not my thought bubbles or anecdotes; they are assertions made by the likes of the NRMA and the National Road Safety Strategy. They have suggested that these accidents are caused by factors including—and this will come as no surprise to anyone who has driven through regional New South Wales—the poor quality of our regional roads and the lack of safety infrastructure on those roads. We have longer journey times as a result of the distances we have to travel, and there is a lack or complete absence of public transport. That obviously leads to increased fatigue.

We spend more time in the car, on poorer roads, with less safety measures. The bill will do nothing to address any of those critical issues. A lot has been said about the trial that is to be conducted on the use of those cameras on two out of a possible 31 sections of road—one on the Pacific Highway between Kew and Port Macquarie, and one on the Hume Highway between Coolac and Gundagai. Just two of those 31 sites will be included in the trials. It puzzles me that the two chosen sites are in regional New South Wales. I understand there has been a greater increase in fatalities in metro areas than in the regions. If this trial is legitimate, why would a trial not be conducted on metro roads like the M4 and M5? Surely that will cast a shadow on the veracity of any data that is collected. That issue will be addressed in the Opposition's amendment, which I support.

The cynic in me feels that those of us from regional New South Wales are the guinea pigs. We are being used for nothing more than a feel-good bandaid solution that might make for a cute press release or question time response but will not address any of the real issues we face on regional roads. We are all talking about the trial of these average speed cameras, but there is nothing about them in the bill for us to debate. They should form part of the debate. If we are going to implement these speed cameras, it should be done in a measured, transparent and evidence-based way. We should start by formalising the trial in legislation. The trial should be extended beyond

the regions to include metro sites. After a 12-month trial we should debate the results in this place. I cannot understand why we would not utilise the house of review to assess the trial.

I do not trust that the Government will conduct this trial and then implement the broader measures without adversely affecting the people of regional New South Wales. We do not want any more fatalities on our regional roads. We do not want to lose any more mums, dads, kids, friends, colleagues or cricket teammates. We do not want any more flowers on the side of the road. I implore this Government to do more to make our roads safer. The Government holds the levers that can make a difference. Give us better roads with more safety measures like wider shoulders, increased sealing, safety barriers, better railway crossings and less dangerous curves and intersections. Those measures will make a real difference, not average speed safety cameras. The Government can do better.

**The Hon. JOHN RUDDICK (20:47):** The Libertarian Party opposes the Road Transport Legislation Amendment (Speed Camera Detection) Bill 2024. At some point we must say no to the inexorable rise of the surveillance state. At some point we must remember what Benjamin Franklin said:

Those who would give up essential liberty, to purchase a little temporary safety, deserve neither liberty nor safety.

We now have the technology to monitor citizens almost permanently. We are always told that it is for our protection and that we need to be surveilled. There is a place where we can be surveilled 24/7 and where we are supposedly protected at all times—it is called jail. We are assembling the ingredients for our citizens to live in a State-surveilled jail. Those who lust for a big, bossy government saw that most people were happy to be treated like farm animals during the baseless hysteria called COVID. They rubbed their hands with glee and said, "Let's go harder." Of course, our benevolent leaders do not consciously have that intention, but in time another supposedly unprecedented crisis will come, such as another war on terror, another round of COVID hysteria, or the global warming apocalypse, and the Government will declare, "We didn't want to surveil you 24/7 but because of this crisis it's in your interest that we do, and now we can."

The bill is yet another demonstration of the surveillance State continuing its march into every aspect of our lives. Digital ID, the eSafety Commissioner and the insidious anti-disinformation bill are all part of the process of making us serfs before an ever-increasingly bossy State. We are told that we need to increase surveillance on our roads because of the rising road toll. Every contribution to debate that I have heard tonight has pretended that this is an unprecedented crisis. Let us have a hard look at the data on road fatalities in Australia per 100,000 people per year. One century ago, 11.8 people per 100,000 people died on Australian roads. In 1970 it was 30.4. In 1980 it was 22.3. In 1990 it was 13.6. In 2000 it was 9.49. Do members see a downward trend? The problem is getting better, but we are told it is a crisis. That is made up. In 2010 it was 6.06. In 2019 it was 4.3. In 2022 it was 4.6. In 2023 it was 4.48. Road fatalities have collapsed in our lifetime. In 1970, when I was born, over 30 people would die per 100,000. Today, it is under five people per 100,000. Every contribution I have heard tonight has said that it is an unprecedented crisis.

The good news is that, as technology improves car safety—thank you, capitalism—and despite a higher portion of people driving than ever before, fatalities are at a historic low. There has been a tiny rounding error in the past year or two. In fact, Australia has one of the lowest car fatality rates in the OECD. Why are we not told that good news? I will tell members why. Government expansion thrives on fear. Those who claim that the tiny rise in the road toll justifies increased surveillance are being disingenuous. They are introducing it because they want to keep adding pieces of the jigsaw to the surveillance State. That is not a conscious intention, but it is happening. This is a textbook example of the boiling frog experiment. Had all these measures been introduced in one hit, there would have been massive public demonstrations. We are being conditioned to slowly but surely let the government know more and more about us. Ayn Rand said:

Civilization is the progress of a society towards privacy. Civilization is the process of setting man free from men.

Make Orwell fiction again. I oppose the bill. I oppose the amendments. I oppose the lot.

**The Hon. WES FANG (20:51):** Before I commence my contribution, I address something that was said in debate by the Hon. Stephen Lawrence. He said that all of the revenue raised by average speed cameras will be rolled into road safety and, therefore, it will not fund the increased toll cashback system that the Government has introduced and further penalise rural and regional drivers. I remember when the previous Coalition Government removed speed camera warning signs. I think the now Minister, the Hon. John Graham, went on 2GB. I cannot recall exactly, but he was going to speak to Ben Fordham. I knew that he was going on the show and so, as I sometimes do, I sent a quick email making note of something. The Hon. Mick Veitch caught me in the lift afterwards and said that what I said was absolutely correct, that the more revenue that is raised through speed cameras means that less government revenue is needed to fund road safety improvements.

**The Hon. Rod Roberts:** Bring Mick back!

**The Hon. WES FANG:** I acknowledge that interjection. Bring Mick back! I can say right now that Mick would have been fighting against this—not like the Hon. Stephen Lawrence, who has rolled over, despite claiming to be a regional resident. He has rolled over like a Labor lackey, unlike me. I stood up to my side of politics when we took away the warning signs. I stood up. He rolled over like a little lackey. What I said was that taking the increased revenue from those speed camera fines means that the Government has to put less revenue into road safety. Therefore, that money is freed up for other things. That is what the Hon. Stephen Lawrence has forgotten: When the Government has increased revenue from these cameras, it is less reliant on general revenue to fund road safety.

I go back to my original contribution. On 8 September *The Daily Telegraph* announced on its front page that the Government would introduce average speed camera enforcement. I had known a couple of days earlier, but that is a whole other story and I will not go there. I now turn to the press release the Government put out on that day. It indicates that the Government will have a trial of these average speed camera warning signs at two locations: one on the Pacific Highway near Port Macquarie, and the other between Coolac and Gundagai. The thing I note about this press release is that it says it will have a trial but nowhere does it say how long the trial will go for. How do you have a trial with an open end? Maybe the Minister in his speech in reply can indicate to us the exact parameters around this trial because, without knowing the parameters, without knowing exactly what the Government is using to assess the trial and the length of the trial, how can anybody determine the success of the trial? Regarding the locations, the press release says, at the bottom of the first page:

These two stretches have been chosen based on a number of factors, including known crash history. There were a combined total of six fatalities and 33 serious injuries between 2018 and 2022 at these locations.

But the Opposition prosecuted at budget estimates hearings that the location between Coolac and Gundagai, the one the Hon. Rod Roberts spoke about, the one I drive twice a week and know like the back of my hand, despite the Leader of the Opposition thinking I do not live in Wagga Wagga—I can tell you I drive that road twice a week, because I do live in Wagga Wagga—has had no fatalities in the two most recent reporting years. That is the point. So how did that site get chosen? The second page of the press release says:

Legislation is needed to facilitate a trial phase, or any future decision to use them permanently.

Again I point to the fact that the press release talks about the trial. The trial phase is not specified in this press release. Knowing that the Government will bring legislation before the House indicates that maybe we should turn to the bill.

**The Hon. Stephen Lawrence:** Is that all you've read?

**The Hon. WES FANG:** I acknowledge the interjection of the Hon. Stephen Lawrence. No, it is not. Because the answers are not in the press release, let us go to the bill. Noting that the Government has told us we will have a trial and it will be in two areas, I assume that in the bill we will find exactly where the details about this trial are, given that the press release is not exactly clear. Hang on, I will open it up to see what it says. It says multiple times to omit the word "heavy". The bill says nothing about the trial and provides no detail, no dates and no locations. All it does is omit the word "heavy". When it comes to assessing the trial that the Minister claims we are going to have, there is nothing in the press release and nothing in the bill. What does this bill do?

**Ms Sue Higginson:** It takes the word "heavy" out.

**The Hon. WES FANG:** It does. It takes the word "heavy" out. In practical terms, that means average speed cameras can be turned on anywhere at any time by the Minister with the stroke of a pen. We probably will not even know. The Government is being far from clear and transparent about its actions. The Government is not accountable. The Government has not provided the evidence to the Parliament or the public. To support my position that we need the data from the trial—including the dates and locations—I need only point to a Facebook post from the Minister himself, dated 5 November 2019. He said, "Policy around road safety needs to be evidence based. Show us the evidence for this change." Where is the evidence for this change and what evidence will be provided by the trial?

The bill does not indicate that the Minister will provide any evidence to the Parliament. The bill does not indicate the duration of the trial. The bill does not indicate the parameters the Minister will use to judge whether the trial has been effective. The only information we have is the press release that was put out after the front-page story in *The Daily Telegraph*. Minister, in your own Facebook post, you said that this has to be based on evidence and there needs to be transparency from the Government.

**Ms Sue Higginson:** Point of order: The member should direct his comments through the Chair, not to the Minister at the table. I thought it was appropriate to raise the issue before things ramp up any further.

**The PRESIDENT:** I uphold the point of order. We are at the end of a long sitting fortnight. It was a relatively trivial point of order but, nonetheless, I uphold it. The member will direct his comments through the Chair.

**The Hon. Natalie Ward:** Point of order: Far be it for me to jump to the defence of the Hon. Wes Fang, but this is a serious matter, and the member has been making some serious points. He is entitled to be heard respectfully. There is a constant barrage of interjections from Government members. It has gone on for some time. While some of the interjections are pithy, this is a serious matter. Members should show the Hon. Wes Fang the courtesy we have shown other members.

**The PRESIDENT:** I have not been in the Chamber for the duration of the debate, but it is an important matter. There are strong views held by members on all sides. All members will be respectful while they are listening to the contributions of other members, including that of the Hon. Wes Fang.

**The Hon. WES FANG:** The now Minister's own words indicated that there needs to be evidence to make a change. Indeed, at the time, the Minister called on the previous Government to provide that evidence. It is not clear from the bill, the press release or any communications from the Government since what the parameters are and how success will be judged. We need to know why those locations were chosen. We know that the trial location between Coolac and Gundagai had no fatalities in the previous two years. The reason has not been made clear to us.

These issues are not best described by anything that I say in the Chamber tonight or by anything that might have been said last night in the other place. The best way for these issues to be communicated is to use the words of Government members when they were in opposition. An article from 2019, which was written before my side of politics had removed warning signs from mobile speed cameras, says:

Labor's roads spokesman John Graham said the decision is a "cash grab" and called on the government to release evidence supporting the removal of warning signs.

...

"This is also a broken promise. This government came to office arguing these signs were essential to support a driver education approach."

This was written before the government changed the rules around warning signs. If my memory serves me correctly, it was on 19 November 2020 that former Minister Andrew Constance did himself a favour and ordered the warning signs to be removed over 12 months. I note that it took about a week before they completely disappeared from any mobile speed camera that I saw, but I will leave that there. The shadow Minister for Roads at the time, the Hon. John Graham, decided to seek a call for papers under Standing Order 52. To support his motion, the Hon. John Graham said the following:

This is not a debate about whether people should slow down on the roads; it is a debate about how best to do that. Is it best to do that with warning signs and high-visibility policing at the time—in real time, as people are on the roads—or is it better to get a fine in the mail two weeks later? Anyone who has opened their mailbox recently will know that the fine could arrive up to six weeks later. This is a debate about the best way to have drivers slow down on our roads.

He went on to say that real concern had been highlighted by members on both sides of the aisle. I think the Minister might have been referring to me, because I may have been somewhat critical.

**The Hon. John Graham:** Not just you. Lou as well.

**The Hon. WES FANG:** We should also include Lou Amato in this criticism. The Minister said:

Real concern has been highlighted by members of Parliament on both sides of the aisle, particularly for drivers in regional towns who lose points, lose their licence and maybe lose their job. Those who live in regional towns cannot catch the CBD light rail to work. The argument is about warning signs and high-visibility policing versus a fine in the mail.

In fact, Premier Chris Minns has said:

I've always said I would rather people slow down in the first place than receive a fine in the mail two weeks after they committed the offence.

That is the Premier and his own words after he came to government. In the same press release, the Minister for Roads, the Hon. John Graham, said:

The former government removed these warning signs without any consultation. As a result the community was rightly upset.

It is clear from this that the Minister has completely reversed his position now that he is in government. He has empty coffers because the Government had to pay the exorbitant wage increases that it promised half their frontline workers and now the other frontline workers want similar increases. It is scrounging for money, trying to find a way to fill those coffers. "How are we going to do that? Let us target regional drivers", he says. "Let us target those regional drivers who do not typically vote for Labor. Let us put those cameras in electorates that are

not ours. Let us put them in electorates that are National Party's. Let us put them in rural and regional areas." This could easily have been trialled on roads such as the M4, the M5, the M7—although that seems to be a bit of a car park at the moment—or the M1. But the Government chose two sites that are in rural and regional areas. They targeted people that are not typically Labor voters to roll out this little cash cow so they could fill their coffers.

The National Party and its members will always stand for rural and regional people. We want safer roads. We want safer drives. We want everyone to get home. When Government decisions impact our people disproportionately, when it targets our constituents—our people, our communities—we will stand up and fight for them. The Government could have conducted the trial in metro areas. They could have trialled it in the electorates of the people who vote for them. But they did not do that. They targeted our people. They will not tell them what the metrics are or how long the trial is going to go for—this is simply revenue raising, as they rightly indicated when they were in Opposition. I oppose the bill.

**The Hon. SAM FARRAWAY (21:12):** I speak in debate on the Road Transport Legislation Amendment (Speed Camera Detection) Bill 2024. I note at the outset that the contribution of my parliamentary colleague the Hon. Rod Roberts was good. He hit the nail on the head. The bill is important for road safety, but its substance, as highlighted by other speakers, is pretty minimal. I stand in this place wanting to support legislation that will make a difference when it is done properly, but this bill will not achieve the desired outcome.

The reality is, from my perspective as a former regional roads Minister, the bill is incredibly disappointing. Quite frankly, it is a lazy bill. It is a lazy policy decision. In a nutshell, this option of turning on average speed cameras that were designed for heavy vehicles across this State should be the last option that the Government and the roads Ministers implement. It should be as part of a suite of measures, but it should be at the end. Despite what one particular member said, which was in contradiction to everyone else's view, the best deterrent on the New South Wales road network, whether it is on the M4, the Great Western Highway, the Mitchell Highway or the Castlereagh Highway, is highway patrol. You do not know where they will be, and there is an acceptance in this State and in this country that if you speed and get booked by highway patrol, you wear it. The greatest deterrent that can be deployed on the road network across the State, to monitor the road network and to reduce the road toll, is to have more highway patrol officers present, patrolling our roads.

When COVID came, with fewer people on the roads, highway patrol officers were redirected to other activities. I would be interested to know whether the full complement of highway patrol officers has returned to their duties post-COVID. I suspect they have not. Even if they have, that is not good enough. If the trajectory of the road toll is heading up, which is not a good thing, governments need to do something about it. The important part is what governments do, and that should be, firstly, having more highway patrol. Secondly, we should be fixing the road network. Following our State's natural disasters, we have a rebuild to do. The reality is that we need to improve the road network because a better road network is a safer road network. A safer road network means that people can travel from A to B in a safer manner. When city drivers travel through the regions, they are driving on a road network or in driving conditions they are not used to. If the road network is returned to an acceptable—or even a high-grade, high-quality—condition, it will be a safer road network.

The Government's first option in trying to reduce the road toll should be more highway patrol. Of course, we cannot have a highway patrol officer on every stretch of road and every corner because the reality is that we cannot force people to stop speeding. Unfortunately, in human society there is a small portion of people who do silly things. We need to educate new and young drivers as best we can, but we cannot legislate and regulate for a small minority who do silly things at times. But we can go a long way in changing culture, in education, in an improved road network and in more highway patrols before turning to revenue raising by stealth.

Former Minister Ward and I sat in the Cabinet room—I am sure we can say this now—and fought hard with the pressure from the now Minister for Roads. I say to the Hon. John Graham that he did a great job. It was a good campaign; he applied lots of pressure. It was the right thing to do. The signage that was removed did not meet community expectations. Premier Perrottet made it pretty clear that then Minister Ward and I needed to fix it. We did, and it is accepted. With that signage, fines have now reduced. Fines only reduce if people slow down. It is simple. It is accepted by the community that if you speed, that is breaking the law—it is the wrong thing to do—but the issue is how we enforce it.

We have heard another Minister saying about parking fines this week that it is unfair to get infringements by stealth and that people should have an opportunity to question it or know when they get fined. But that is the same tactic that the current Government took in opposition against the former Government—some of it warranted, as I have accepted tonight. Revenue by stealth—by a fine turning up in the mail weeks later—did not change that driver's behaviour on that day. If the road fatality rate is going the wrong way—and we accept it is increasing—we need to change driver behaviour on our roads immediately, not in three weeks time when the fine turns up in the mail. I am a former roads Minister and I have always said that our road network is a shared responsibility. We need people to be more responsible on our roads. Whoever is in government needs to have good policy that



supports that shared responsibility but also programs that support better education. We need a policy that gives people the opportunity to travel on safer roads or in safer cars on our roads.

I find it disappointing that the Government is not coming to the table and saying, "Let's help youngsters across this State. If the fatality rate with younger people is higher in regional areas, where is a program to help younger drivers into safer cars on a road network that isn't up to scratch while we rebuild it?" The former Government took that policy to the election. It was a good policy, and the Centre for Road Safety supported it. I acknowledge that Bernard Carlon, chief of the Centre for Road Safety, is in the gallery. That program could be funded from the revenue collected from speed camera and other driving infringements across the State. We have a big bucket of money from fines and we should be talking about how to reinvest it. At no point is the conversation about how roads can be made fundamentally safer rather than about fining people.

Maybe we can straighten roads and remove some of the dangerous bends from roads across regional New South Wales that were designed and built a very long time ago. Maybe we need more rumble strips or more safety barriers. Maybe we need to bring back the old Cash for Clunkers program and get younger drivers into safer cars. I accept that it takes time to rebuild a road network, but there are policies, initiatives, programs and funding available to better address road safety. The Government has lurched to the quickest, easiest and, quite frankly, laziest option by opting for average speed cameras for cars. It has introduced a one-page bill that, as another member said, simply omits the word "heavy". Some members found that funny, but it is not; it is lazy. So much more can be done.

I turn now to other members' contributions to debate. I think the Hon. Stephen Lawrence said, "Proportionally 25 out of the 31 average speed cameras are in regional areas." There is a reason for that. So much fatigue management was focused on heavy vehicles on the Newell Highway, on the Great Western Highway and on the Mid Western Highway. There is no real defence or explanation as to why there is no metro trial, considering the higher probability of speeding and accidents when there are more drivers. Transport for NSW proposed five different sites for a trial, but the word "trial" does not appear in this legislation. Government members would have some credibility if the bill prescribed what the trial will look like, but it says nothing. It just omits one word—which achieves the objective that the Government is looking for, but it is lazy.

The Government wants a silver bullet to fix its problems, but it will realise in time—Minister Ward and I realised this pretty quickly in the road space when we were in government—that there is no silver bullet when it comes to road safety. It will take time and strategic investment and a suite of measures; it is not about just removing "heavy" from a piece of legislation to turn on some cameras and raise some money. All the bill will do is raise money. Let us consider the five trial options—noting that we cannot have a trial in a metro area. Between 2018 and 2022, Picton Road had the second highest number of vehicle accidents involving fatalities and serious injuries. It was one of the five trial locations that Transport for NSW suggested to the Minister. Why was it not chosen? Oh, that's right—because it is in the electorate of the Minister for Health. Fancy that! Fourteen people have been fatally or seriously injured in crashes between 2019 and 2022, but we did not pick the 17-kilometre stretch between Wilton and Cawdor Road because it is in a Labor electorate.

One must start to wonder because the policy and legislation are so lazy and insufficient. Only two regional locations have been flagged for a trial in a media release. We do not know anything other than what the Minister said in his second reading speech and what the other Minister said in the other place. We do not know more because there is nothing prescribed in the legislation as a check and balance. Only two sites have been chosen, one of which has had a very low serious and fatal crash rate in the past two reporting years. It would be better if it were zero—any number is not good—but why would the Government pick a site that has an average speed camera structure set up for heavy vehicles, which has different data and a different structure to light vehicles? Why do that when there are sites like Picton Road in the health Minister's electorate, which has had the second highest rate of fatal and serious injury crashes between 2018 and 2022? That is politics.

The two sites that were chosen are in Opposition electorates. There were no Labor electorates chosen because the Government does not want to impose the trial of a significant change in policy and legislation on one of its own electorates. That is what it is. We have no metro electorates and no metro data to work on—only two regional trials that are not prescribed at all in the bill but are only referred to in a media release. During the budget estimates hearings, the regional roads Minister could not even be bothered to consult with the member for Port Macquarie and the member for Cootamundra. One must keep wondering.

If we are going to change the behaviour of drivers, people receiving a fine in the mail three weeks later is not going to cut it. That did not cut it with mobile speed cameras. If we alert and educate people to slow down, they will slow down. It is like the saying, "Follow the money." The fines have reduced with mobile speed camera signage. Why have the fines reduced?

**The Hon. Rod Roberts:** Less speeding.

**The Hon. SAM FARRAWAY:** Fewer people are getting booked. Fewer people are receiving infringements because they are slowing down. Amendments have been foreshadowed, and my colleagues the Hon. Sarah Mitchell and the Hon. Natalie Ward will speak to those. If the Government is deadset serious about this change, it should change the signage as well. It should review this legislation in 12 months. There are lots of fantastic amendments that the Government should embrace. The only option I have as a former roads Minister is to push and support those foreshadowed amendments to make this insufficient, lazy piece of legislation and policy a little bit better for the people of regional New South Wales. The coalition of Labor and The Greens does not really understand the regional road network.

**The Hon. Sarah Mitchell:** You need to drive it.

**The Hon. SAM FARRAWAY:** One has to drive it to understand it. This is the only option we have, so we will pursue this option. In politics, one cannot always get it right. The Coalition did not get it right with mobile speed camera signage. We have rectified that. I cannot believe the current roads Minister, who is quite an accomplished individual—he is a smooth talker. He tries to sing on a Thursday. How has he been hoodwinked into coming to this Chamber to present this bill? This is everything that he railed against in opposition. Quite frankly, the Minister could do a lot better than this.

Once again, it goes to the funding of roads. We have to get more highway patrol officers on the road network. We have had natural disasters, and it takes time to fix the damage they cause. But if the road network is still not up to scratch, that is an even more important reason that we should deploy more highway patrol officers to monitor the road network. Much has been said by members about funding. In estimates we found out that the overwhelming majority of funding decisions for roads under the Regional Road Fund are based on politics, with funding distributed to almost only Labor electorates. Clearly it is not based on the most need.

It is disingenuous for the Government to introduce a bill and try to cloak it as road safety legislation when it is about revenue raising. If the Government was truly focused on road safety, funding for projects under the Regional Road Fund would have been based on need and priority—and they were not. Will programs such as Fixing Country Roads and Fixing Local Roads and the funding from the Community Road Safety Fund last the test of time, or will those programs go by the wayside whilst the Government looks to raise funding by stealth through average speed cameras for cars?

Prior to contributing to this debate, I found an interesting statistic. Clearly, road safety has a direct correlation with the quality of the road network. For example, Germany has the autobahn, which has far higher speed limits than our roads, yet its road toll per 100,000 people is less than that of New South Wales. How is that possible? Does Germany have a better education program? Are European cars better than those we have here? The reality is that we have the same cars. For a far more populated country with higher speeds on its roads to have a lower road toll per 100,000 people must mean that its road network is better. That is the evidence we need.

In this country, highway patrol is the most effective enforcement, deterrent and educational aspect of getting people to have a shared responsibility on the road network and slow down. If they speed and they get caught, that is the greatest way to change driver behaviour. I remember when I was 18 years old and cruising about on P-plates. I was invincible. What was I petrified of on the road network? A highway patrol car. My dad drilled that fear into me. I got done good and proper by a highway patrol car when I was 18 and almost lost my licence. I had one demerit point left. I had to learn to drive with one demerit point, and I have hardly ever been booked since—well, I have been booked once since. [*Time expired.*]

**The Hon. SUSAN CARTER (21:32):** I admit to being genuinely confused by the Road Transport Amendment (Speed Camera Detection) Bill 2024. I take the Government entirely at face value when it says that it wants to improve road safety. In fact, there is not a member in this place who does not want safer roads and a lower road toll. I acknowledge the earlier contribution to this debate of the Hon. Stephen Lawrence, who talked about the importance of every single human life. Protecting even one more life is a laudable aim. I have heard the announcements and read the press releases made by this Government. It says it is introducing a limited test to evaluate the effectiveness of the existing road camera speed camera network, which is designed for heavy vehicles, for enforcement of all vehicles. However, I do not see the word "test" anywhere in the bill.

**The Hon. Sarah Mitchell:** No "trial".

**The Hon. SUSAN CARTER:** I do not see the word "trial". I do not see any specification of a review period. I do not see any parameters for assessing the effectiveness of any review. I do not see criteria for judging whether it should be extended more broadly. I see nothing in this legislation which supports the public announcements that the Government has made about it. So I am confused as to whether the Government believes this legislation will achieve the objectives it set out in its public announcements or whether it is convinced that just making a public announcement means the law is made.

If one looks at the history of this Government and the law it introduced on electronic monitoring, that law is still not in place, but the Government made an announcement about it. Surely that is as good as doing it? If one looks at the law about magistrates making bail decisions in domestic violence cases, that law is still not in force, but the Government made an announcement about it, so surely it is in place! If one looks at Jack's law, which the Government introduced to protect community safety by implementing laws for police to do wandering, that law is still not in place, but the Government made an announcement about it, so it must be true! If one looks at the speed camera detection legislation, the law does not say anything in relation to the Government's announcement on it.

The Government is so used to making announcements about legislation that I wonder whether it has started to believe its own rhetoric. All it need do is make an announcement about something and it will be true! That is not a system of government that the people of New South Wales can accept. It is not a system of government that the people of New South Wales will find any confidence in. It is not a system of government that is truly regulated by the rule of law, one of the most fundamental principles of which is that the law is open and accessible to all and when we pick up legislation we should be able to determine what our rights and obligations are under the law. It should clearly tell us what is happening.

All that schedule 1 to the bill does is remove the word "heavy". It does not implement the promised trial. It does not do anything that the Government said it will do in its announcements. That is a totally inappropriate way to legislate for the people of New South Wales. If the Government wants to send messages about road safety, responsible driving and driving at an appropriate speed, I suggest that it first behave like a responsible legislator. It has to tell the people of New South Wales what it wants to do and then bring legislation to Parliament that actually does that. It is not appropriate to proceed by making an announcement, then providing shoddy legislation which does not align with that announcement, and then hoping that because you have made an announcement people will believe that is what the legislation will be, especially about something as fundamentally important as protecting the safety of citizens as they go about their daily business. I am genuinely confused by what has been put up as an attempt to legislate with respect to road safety, and this Government stands condemned by its pattern of announcing things but not implementing them or governing in the way it says it will.

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (21:37):** In reply: I thank members for that debate. A range of strong views were presented during the debate, and I disagree with some of the points made. It was a good debate in which people spoke to their strengths, including the former roads Ministers, who both contributed on some of the challenges and the detail in the portfolio. I thought they were great contributions. The Hon. John Ruddick carried on his freedom fight. The Hon. Rod Roberts was very practical, as always, with a set of really useful views. I might not agree with all of the specifics, but I agree it was a really good contribution. The Hon. Wes Fang has been a sterling campaigner in this area, and I recognise that he spoke true to form with his views on the topic.

It is a topic that involves strong views. I recognise the other members who spoke in the debate. Ms Cate Faehrmann spoke on behalf of The Greens. She has been a long-time contributor in the road safety space. I acknowledge the Hon. Susan Carter and the Hon. Scott Barrett. I welcome him back to the Chamber. I thank the Hon. Stephen Lawrence for his contribution. He brought a really useful regional perspective to the table in his support of the bill.

I disagree with a range of the comments made by members but I think it was a very good debate. The most important point that I think all members made—which is absolutely on my mind and which I agree with 110 per cent—is that there is no silver bullet. There is no one thing we can do to turn this around. But the truth is the Government is worried about the road toll. I strongly reject the view that the Government is hoping that this will be the measure that turns it around. It will not be; it will be a range of things. But, having assessed the evidence, we did not feel, as a government or as Ministers, that we could not try it.

In my view, the most important thing—and other members have put this view, including the Hon. Sam Faraway, who put it well—is to fix the road network and to spend money on road safety measures. That is the main thing that the Government has done. We upped funding for that in the first budget and again in the second budget. We upped it over the financial year and over the forward estimates. We are spending a record amount of money—more money than the previous Government did—on those measures because we have to and because we are facing that road toll challenge. Investment in road safety is up from \$2.6 billion to \$2.8 billion.

That is the right place to start, but we have not rested there. As members know, this House passed the seatbelt enforcement cameras laws. The fact that people are still not wearing their seatbelts is one of the things that is killing them on our roads. We are cracking down on demerit points issues and have put in place the demerit points trial. We have closed loopholes that meant that dangerous drivers on our roads from overseas received no penalties. They could drive and break the law and there would be no consequences in New South Wales. We are upping education. We are also acting on overheight trucks.

Police enforcement is the final issue that are we working on. I do want to come to that, because a number of members raised it strongly. I am very sympathetic to the case that has been put. I agree 110 per cent that, when someone is driving the highways of the State and they see flashing lights or a police car, that is a big reminder for them. Under the previous Government, the balance between camera enforcement and police enforcement had gone the wrong way to the greatest extent possible—to the greatest extent on record. It has returned over the course of last financial year to a better balance between fines from police and fines from cameras. The Government will continue to work on it.

There is a big challenge, though. The police Minister, the Premier and I have been up-front about police recruitment. That is one of the challenges we are facing. It is a challenge that we feel—and members opposite are free to disagree with this—we were left with. We are tackling it, but the action the House took today to deal with the police insurance issue is one of the things that will help. Again, it is not the only thing, but it is one of the things. I thank members for that. I agree with the points made in the debate. There is no silver bullet. That is important to note. I give the commitment that the Government will continue to do a range of things. We certainly do not see this bill as the only thing that will change the road toll. I will address two other matters before I address some other issues. The first is whether this position is inconsistent with the strong views the former Opposition put or I put as Minister. I agree with everything that the Hon. Wes Fang read out that we have previously—

**The Hon. Sarah Mitchell:** You agree with what you said.

**The Hon. JOHN GRAHAM:** I agree with what I said. But the distinction is that these trials will be heavily signposted. We are not taking people by surprise. They will be signposted for all vehicle enforcement. I am up-front about that.

**The Hon. Natalie Ward:** How long is the trial?

**The Hon. JOHN GRAHAM:** I will come to the other details. There is no need to interject. This point regarding signs is important. That is different to upsetting the community by removing something they expected. That was the position we were taking then but there is no surprise this time. There are no secret cameras. We will be very up-front about where the trials are. That is the commitment and that is why we see this as consistent with our former activity. Secondly, we will absolutely be guided by the evidence and we will make that evidence clear publicly. I will come to some of that evidence and an amendment that I expect will be moved to deal with some, but not all, of the issues that have been raised about this.

I think it would be fair to say that, as a Minister, I have not raced to this solution. I have come to it reluctantly, faced with the rising road toll. That is the truth. It was not the first lever I was looking to pull. I was not racing to this, I guarantee you, but faced with the evidence we did not feel we that we could not have a look at it. It is a very modest step that we are taking—two locations—and we are going to have a serious look to see how it goes. That is the spirit with which we are bringing this legislation. What is the evidence? Some of it was referred to in the debate. That is, one-third of the New South Wales population lives in the bush but they are involved in two-thirds of fatalities. That was stated clearly. But it is worse than that. When it comes to speeding fatalities, three-quarters are in the bush.

Someone is much more likely to die from an accident caused by speeding if they live regionally. The evidence is even stronger than that. The fact that led us to try this modest trial in the two specific regional locations was that between 2018 and 2022 there were 225 fatal and serious injuries from crashes that did not involve a heavy vehicle within the existing 31 average speed camera lengths. Of those, 223 occurred in regional New South Wales. That is 99 per cent of them. That is one of the reasons that the trials will happen in those two locations. I repeat: Of the 225 fatal and serious injuries between 2018 and 2022, 223 were in the regions. We could not weigh up evidence like that and not consider a trial. That is what is weighing on my mind as we debate this.

A question members raised was whether it will be effective. I hope it will be, but I do not know. The figures from the heavy vehicle trial were very strong. They showed a 53 per cent drop in fatalities in the areas where heavy vehicle enforcement is occurring. The truth is that that could be overstated because there is a range of factors on the roads. However, even if it is half or a quarter of that, it will make a huge difference to the road toll. That is one of the reasons the Government wants to have a look at this. Members have asked about a statewide rollout and some were arguing against it and some for it. This is not a statewide rollout; that is not the Government's position. It is trialling these locations.

**The Hon. Sam Faraway:** You did not prescribe it in the legislation.

**The Hon. JOHN GRAHAM:** I will come back to the legislation but I want to be clear about the Government's position. On the issue of penalties, they are the same for other light vehicle speeding offences. I refer to a couple of other specifics about the trial. Members are well aware where the locations are. For the benefit of the public, one is the Pacific Highway between Kew and Port Macquarie. At that location there were

61 crashes that did not involve a heavy vehicle. Three of them were fatal crashes and 18 were serious injury crashes. The other is the Hume Highway between Coolac and Gundagai. At that location there were eight crashes that did not involve a heavy vehicle. That includes four serious injury crashes.

The two locations were chosen based on considerations including light vehicle trauma, geography and ability to make the technical changes required to enforce light vehicles for the trials. I place those facts on record because members have asked for them in the course of debate on the bill. Questions were raised about the length of the trial. The Government is committed to trialling this for at least 12 months. We should address that in further detail at the Committee stage. I note that one of the amendments calls for reporting on a timeline. I am very comfortable with that. The Government will commit to that. We are concerned about the road toll. It has been rising in New South Wales since October 2021. It will take until mid-2025 to get the trial up and running. That is the advice we received from the Centre for Road Safety, and it will take at least 12 months to record the evidence and gather the information.

I acknowledge a statement made by the Hon. Natalie Ward in the Opposition's first contribution to debate on the bill. She spoke about the very persuasive impact that visiting some of the road advocate groups had on her during her time as roads Minister. She also made the argument, which is having an impact on me, that some of these deaths are preventable. That is why the Government feels it must act. I commend the contribution made in the other place by Mr Paul Toole to members. I do not say that lightly. I do not often recommend that members read Paul Toole's speeches, but he made a genuine contribution to the debate that is well worth reading.

Much was made of the fact that this legislation does not go into all the details that were announced by the Government. We are taking administrative steps, not all of which are contained in the bill. Recently we heard some very strong views from Government members. The drafting of the bill was informed by legislation introduced by the former Government in 2018 for the trial of mobile phone detection cameras. There was no restriction on its operation and there was no sunset provision specified in the legislation. A lot of roads drafting has a heavy touch on administration and a light touch on legislation. The Government has followed that model. Opposition members hold a different view now and they are entitled to change their minds. But that is the drafting approach that has been taken, and it was the drafting approach that was taken by the former Government.

In particular, I thank my colleague Jenny Aitchison. She has been talking to people in regional communities about the trial. She requested that I put on record some of the views of advocate groups that have made the case for the trial. Road Trauma Support Group NSW founding member David Vidal, who lost his son Aaron to a reckless driver, welcomed news of the trial. The Road Trauma Support Group said:

This measure could be a game-changer in our fight against road trauma.

The founder of Safer Australian Roads and Highways, Peter Frazer, who was mentioned in debate on the bill, said:

If a driver or rider is speeding upon entering a point-to-point zone, they have the opportunity to slow down while passing through, allowing their average speed to fall within the legal limit and by slowing down, avoid a fine. But more importantly, by removing the perceived advantages of speeding, these cameras promote safer driving habits by encouraging drivers and riders to stick to the speed limit. This not only lowers their risk of being involved in a serious crash but also protects the lives and well-being of everyone on the road ahead.

The NRMA's policy director, Robert Giltinan, said:

It's not unreasonable to investigate the opportunity to reduce the incidence of light vehicles speeding.

The Australian Trucking Association has welcomed the Government's policy. Road Freight NSW CEO Simon O'Hara said:

Our members tell us that excluding cars from average speed camera enforcement is unfair, because cars and other light vehicles make up the bulk of traffic on our roads.

I welcome those comments. They are comments that have weighed on the Government's approach. We are not saying that this measure alone is going to turn the road toll around. It will not; I say that clearly. The position we put to the House is how could we not try this? How could we not have a look, given what we know about what is happening on our roads? I commend the bill to the House.

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

**Motion agreed to.**

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

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

**Motion agreed to.**

*Adjournment Debate***ADJOURNMENT**

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

That this House do now adjourn.

**NATIVE FOREST LOGGING**

**Ms SUE HIGGINSON (21:55):** I recently had the privilege and pleasure to hear from someone with a long and significant connection to the New South Wales body politic, and an advocate for government action on the matter of native forest logging in New South Wales—the Hon. Bob Debus. Like him, I am a friend of the forest, just as many other members in this place are, all across the Chamber. The Hon. Bob Debus provided sound and grounded wisdom on a matter of critical public importance. I now reflect on some of his wisdom. Native forest logging has always been an emotional issue. Over the years, it has divided communities and stirred fierce debates. In this place, it remains somewhat as divisive.

Twenty years ago, when the regional forest agreements were introduced, it felt like progress. Back then there was confidence that the State was steering in the right direction, with millions of hectares of national parks being protected. Looking back, despite those agreements being important, they were not enough. The native forest logging industry that was once widely accepted as necessary is now out on a limb and by itself against the world. It employs only a few hundred people across the entire State, a shadow of its former self.

The unplanned restructuring that has been occurring in former forestry communities has been on display for years, yet we seem no closer to formal government acceptance. There were successful industry restructures of native forest logging in New South Wales in the 1990s and early 2000s, but those changes have been forgotten or are being ignored. The known pathways and the learnt lessons simply are not being applied to the present situation. And the situation is undisputed, regardless of whether people want logging or not. There has been a steady decline in the native forest logging industry over the past 30 years. Modern engineered wood products are comparable to any product that was once produced from native forests. Many other products that once used wood are now made from more durable products that do not require the destruction of our native forests.

The comparison of native forest logging has been held up as a contemporary cousin to the whaling industry, another destructive and senseless industry that people could not imagine life without. Yet native forest logging persists, propped up by taxpayer subsidies despite the damage it continues to cause economically, socially, politically and environmentally. Just like the near extinction of the whales we killed for lamp oil in a different century, the current extinction crisis makes the urgency of ending native forest logging more apparent. It is not just a political or environmental issue; it is deeply personal. The possibility that iconic species like the koala or greater glider could vanish within our lifetimes is heartbreaking. Over half of New South Wales forests and woodlands have been destroyed since the European invasion of Australia. Reflecting on those statistics, they represent not just the habitat loss but also an unfolding disaster for biodiversity.

The ecological limits of native forests have been burnt through. The rules that were supposed to protect the environment—the Integrated Forestry Operations Approvals—have been negotiated away. The devastation is evident firsthand, and it is far worse than many realise. It can take centuries for forests to recover from the damage done by logging. In some cases, recovery may not even be possible. All of this was thrown into a stark spotlight for many by the mounting impacts of climate change and the mega-bushfires of 2019-20. Those significant factors were not particularly considered 20 years ago, but they have dramatically altered the landscape and are compounding the damage caused by logging, making the continuation of the practice even more irrational, and criminal in the real sense of the term.

The value of forests as the most significant land-based carbon capture system makes the continued logging far more tragic. They are the key to achieving emissions reductions but forests continue to be reduced rather than recovered. To meet emissions targets does not require complex carbon credit schemes or artificial markets. Nature already has the answer, but time is running out. Thirty years ago, in part through the actions of a Labor government in New South Wales, along with a national recognition that forests were not a bottomless resource that could be slashed and burned forever with impunity, an experiment started. The experiment was to see whether ecologically sustainable forest management was possible. The results of that experiment are in: It has failed, badly. It is not just about forests; it is about the survival and health of ecosystems across our State. We cannot wait. The crossbench in this place is ready. So I say to the Minns Labor Government that we are on. Let us get this done. I thank Bob and all the friends of the forests.

## CAT WELFARE

**The Hon. EMMA HURST (22:00):** The Federal Government's so-called war on cats must be condemned. It encourages egregious animal cruelty and seeks to further legalise cruelty to animals. The Federal Government is pumping millions of taxpayer dollars into developing and rolling out horrific methods to kill cats around the country. It is luring cats with the sound of other cats in distress, only to spray the cat searching for the distressed feline with 1080 poison. The Felixer takes advantage of cats' natural tendency to groom so that, when they clean their fur, they ingest the poison.

The poison causes any animal unfortunate enough to ingest it excruciating pain, seizures, screaming fits and frothing at the mouth for up to 72 hours. There is no antidote to 1080 poison, and it is banned around the world because it is so dangerous. A dose of 1080 poison could kill a small child. In fact, Australia is one of the only countries in the world that still uses 1080 poison. How can it be possible that Australia is one of the only countries idiotic enough not only to continue using it but also to increase the amount of 1080 poison rolled out into our precious natural ecosystems? The Government's rollout of 1080 poison is reckless. It threatens native animals, will cause immense suffering and risks human safety.

Ask yourselves this: Is it right that 60 million taxpayer dollars will go towards something that fits the legal definition of animal cruelty? Administering poison to domestic animals is a criminal offence in New South Wales, yet the Government actively supports and encourages this approach when it comes to cats. This will affect domestic cats, free-roaming cats, homeless animals and native animals. Already there is evidence showing that the devices can misfire and target other animals, including the endangered Tasmanian devil. The 1080 poison has a half-life sufficient to kill animals who feed on the remains of cats killed by it, including native birds, insects and carnivorous reptiles. Pumping a lethal poison into the environment is a ludicrous and nonsensical way to "protect" that very environment and its inhabitants.

It is entirely possible to protect both cats and native animals, and to do so compassionately and with far less expense. The Government needs to ditch the death dollars and put that money towards evidence-based compassionate alternatives. We already know they work. Desexing works. The trials have been done. Desexing programs are the most effective method to quickly reduce free-roaming cat populations. Fewer unwanted litters mean fewer cats being dumped and living on the streets. There is also promising research into neutering cats living in the wild. Killing programs, on the other hand, do not work. Cats will breed up to their original numbers, or other cats will move into the area and expand their colonies. If killing programs worked, they would have worked by now. If the Government truly wants to protect native animals, there are dozens of methods that will have an immediate impact, without animal cruelty.

Cats are not the problem here. A myriad of poorly regulated industries that pillage and devastate wild habitats, poison waterways and drive climate change are the main culprits. A good first step to save native animals would be to stop native forest logging. On top of that is the failure to address the root social causes of roaming cats. We desperately need policy and funding support for pounds, local councils, desexing programs, animal-friendly rentals and animal-friendly emergency accommodation for people experiencing houselessness. The Government has ignored these options, instead favouring expensive cruelty. Waging a war on cats is a diversionary tactic that distracts from the very real, very harmful anthropocentric threats to native animals. It is time for the Federal Government to take responsibility for the environment and implement progressive and earth-, climate- and animal-friendly policies. Killing cats en masse in slow and painful ways is not progress. It is a sign the Government is unwilling to do what it takes to stop so many animals facing extinction. The Government must stop using cats as a scapegoat and deal with the real issues.

## WOMEN'S SPORT

**The Hon. GREG DONNELLY (22:05):** Tonight, after raising the issue on two previous occasions on 30 March 2022 and 19 June 2024, I call on the Parliament and Legislatures across Australia to pass laws explicitly to protect females from having to compete in sporting competitions—one-on-one and team—against males who identify as females or call themselves females. In New South Wales there are many examples of females being put to the sword in sporting competitions. They are not only nudged but also pressed and, in some cases, pushed into going head-to-head with males. Distressingly, not all the muscling up occurs on the field. I clearly recall a few years ago I assisted a young mum who loved AFL and competing in her local women's competition. She was approached in a car park after a game by a male who asserted he was a female. The male stood over the much smaller and lighter female, verbally abused her and made physical threats. I believe the matter should have been reported to the police, but the woman chose not to, despite being given the same advice by the solicitor advising her. She refused, in part at least, because of fear and concerns about the implications of such actions on her amateur playing career and relationships with other members of her team.

In New South Wales and across the country, nothing is being done by those with the power and authority to address this matter, which is crying out for not only attention, but also concrete actions to address the manifestly unfair and dangerous situation. Irrespective of the political parties in power—and I will get a kick in the pants from members of my own party for raising the issue—there is virtually zero interest, let alone political will, to stare this matter in the face and deal with it. In fact—and I expect this statement will lead to me being struck off some Christmas card lists this year—there is a clear unity ticket of wilful blindness operating between government and opposition parties in the nine Australian jurisdictions to remain uninformed about what is happening every day, particularly on weekends, in female-only sporting competitions involving male competitors.

These individuals claim publicly that they have the legal right to compete because they identify as females or call themselves females. The world game—soccer, as we refer to it in Australia—is thriving in New South Wales, with growing participation by girls and women. The growth is no doubt spurred on by the world-class performance of our national team, the Matildas, at last year's FIFA Women's World Cup. In contrast, this year players have received appalling treatment by North West Sydney Football, the governing body for women's soccer in the north-western districts of Sydney. If that was not bad enough, Football Australia stood there, arms folded, deliberately looking the other way as the women were thrown under the proverbial bus by the North West Sydney Football club.

For those following the matter week by week during the preseason and winter competitions, it was a terrible and shameful situation. In the 2024 preseason Beryl Ackroyd Cup competition, which North West Sydney Football teams participate in, a team called the Flying Bats hit the competition out of the park over the course of the four-week tournament. In one game, a Flying Bats player netted six of the 10 goals scored by the team. The Flying Bats have five males who either identify as female or call themselves female. They mercilessly flogged the all-female teams and took away the \$1,000 jackpot prize. I invite members from both Houses to visit the North West Sydney Football website and examine the winter season results. They scream off the webpage.

The Flying Bats played 14 games and won 14 games. They drew no games, lost no games, or had byes or forfeits. They scored 65 goals and had four goals scored against them. I presume the Flying Bats team members derived some type of satisfaction from laying waste to the all-female player teams that came before them in this year's soccer competitions. "Good for them", some may say. I could not disagree more strongly. Think for a moment of the all-female player teams and individual players that lost prize money, lost trophies, lost sponsorship opportunities and lost the enjoyment and satisfaction that community sports provide. They experienced humiliation and suffered injuries. How this was permitted to happen, in plain sight for all to see, with no response or corrective action, is a damning indictment on North West Sydney Football and Football Australia. It is unfair, unreasonable and dangerous. It must be stopped. If those organisations will not do it, then governments must step in and bring this farce to an immediate end.

#### NORTH SYDNEY BEARS

**The Hon. RACHEL MERTON (22:10):** This Sunday is the NSW Cup Grand Final between the North Sydney Bears and the Newtown Jets. This game between two proud 1908 foundation clubs is the long-awaited rematch of the 1943 grand final where Newtown denied North Sydney their last premiership. Hopefully, after 81 years, this Sunday's outcome will be different. Tonight I pay tribute to the North Sydney Bears, who are the people's team, for their magnificent achievement in finishing this year as back-to-back minor premiers, and also for their contribution to rugby league and the community over the past 116 years.

The North Sydney Bears story is one of passion, determination, perseverance and, above all, hope. The story of the Bears is well known to this State. It includes two top flight premierships, the last of which was all the way back in 1922. A subsequent 77 years of struggle was punctuated by both brilliance and rotten luck. They have been in no grand finals since the war, and have had countless heartbreaking preliminary finals losses. In 1999 there was the disgraceful exclusion of the Bears from the NRL competition after the Super League war. This is a period that remains the darkest and most shameful period in the history of the game. After the Northern Eagles collapse in 2002, the struggles were huge for North Sydney as a club cast into the second tier of football.

Today I mentioned hope, which is an emotion mirrored by the Bears. In those dark days the glue that kept the red and black dream alive for North Sydney was hope. I think of the Bears and their fans with that wonderful line from *Shawshank Redemption*, "Hope is a good thing, maybe the best of things, and no good thing ever dies." So it was for the Bears. The club rebuilt itself and the legendary Greg Florimo was present every step of the way. As a player and an administrator, he chalked up 35 years with the Bears this year. I thank "Flo" for keeping the fire burning. The club made it to a grand final in 2007 but lost in the last minute. They finally made it to the grand final again last year but sadly lost in the last few minutes.

The club reloaded again in 2024, and here they are with another minor premiership and another grand final. They have the chance to bring the first silverware of any sort to North Sydney since the late, great Peter Jackson



kicked a wobbly field goal to give the Bears a 5-4 win over a Newcastle team led by Andrew Johns in the 1993 reserve grade decider. My home and family have been awash in Bears hysteria for many years. I remember taking my daughter Amelia, now 12, to her first game at Bear Park when she was just a week old. That day the Bears beat Newcastle with a late field goal 25-24. She and her sister, Alexandra, are the new generation of Bears fanatics, and are patiently waiting for their day in the sun. My husband, Justin Owen, has been a long-time board director of the Bears. He has been bellowing "Here come the Bears" around the neighbourhood all week. It is wild.

This Sunday will be huge. I congratulate the Bears captain, Kurt De Luis, on his inspiring leadership on the field in 2024. He leads a team that is ready to break that long premiership drought. Kieran Hayman has scored more points than any other player in the NSW Cup. The flying Alan Fitzgibbon has more tries than anyone else. I also mention the wonderful club captain, Jerry Key, who retires this Sunday.

The camaraderie of this team, which I witnessed at North Sydney Oval this year, has been inspiring. I am confident this side, coached by the masterful Kieran Dempsey—who incidentally coached the very last NRL Bears side in 1999—has what it takes. I also congratulate North Sydney Bears Chairman Daniel Dickson and CEO Gareth Holmes—plus the board and management—on their tireless efforts off the field in getting the club to this point. This success has occurred at the same time the Bears have also been pursuing a return to the NRL through the Western Bears. I hope to soon hear good news on an end to the quarter-of-a-century exile of the Bears from the NRL. Finally, I thank the many thousands of supporters of the North Sydney Bears who, through hope and never giving up on the Bears, have truly kept the dream alive. I cannot wait for Sunday and look forward to celebrating a premiership with them. Go the Bears!

### FORESTRY INDUSTRY

**The Hon. MARK BUTTIGIEG (22:15):** On 14 August 2024 I was fortunate to meet with timber and forestry workers, union delegates and organisers from the Australian Workers' Union [AWU], and the manufacturing and forestry union. The joint delegation was in Parliament to brief MPs on the future of their industry. I always find these discussions with workers on the front line invaluable because they bring the practical reality of lived experience to broaden my understanding of issues. As parliamentarians making laws, we have a responsibility to put ourselves in the shoes of those affected by our decisions. The future of the timber and forestry industry is one such contemporary example. At the meeting, I heard personal stories from workers about how their jobs in timber-related industries have impacted their lives.

Sharon Musson, the New South Wales president of the manufacturing and forestry union, shared that her first permanent job was in the forestry industry. At the time, Sharon could not drive and knew little about the industry. The job gave Sharon independence and confidence. She also met her husband, Greg, through her work. Sharon is a strong advocate for workers in her industry. I thank her for sharing her experience and being such a powerful advocate for the industry. I also learned from forestry worker and senior AWU delegate Andrew Condie that the forestry industry includes workers like himself who are also trained firefighters and have fought fires statewide and for some, like Andrew, worldwide. Forestry workers like Andrew have saved countless lives and homes and deserve recognition.

My view is that we need to consider jobs and livelihoods when discussing the future of the timber and forestry industry. After health and education, there is scarcely a greater human need than employment. It gives us a purpose and meaning in life, helps integrate us into society and provides the income we need to survive and thrive. In fact, employment is intrinsically interlocked with the first two needs of health and education because without employment the first two can be difficult to attain. We can and must ensure that no-one is left behind due to policies such as reducing or eliminating logging. This includes forestry workers, of course, but also the countless jobs supporting the industry—for example, truck drivers and electricians.

Our job as elected representatives is to develop solutions that achieve our policy objectives and, in this case, protect jobs. The solutions must be reached by genuinely listening to workers who want to contribute like those I met last month. The workers I met with care deeply not only about their industry but also the environment, despite what others may assume. I heard ideas around plantations, regeneration and regrowth operations. I note the work of the Minns Labor Government on this issue. Minister Tara Moriarty and Minister Penny Sharpe recently announced that an expert panel was established to oversee consultation for a Forestry Industry Action Plan. The plan will consider the future of this important industry, bringing together industry, workers, unions, Aboriginal communities, other stakeholders and experts. Submissions to the panel close on 13 October. The former Liberal-Nationals Government failed to set a clear future for these workers, but Labor will.

I commend the Australian Workers Union and the manufacturing and forestry union for engaging with parliamentarians in the democratic process. For my part, I will always back the preservation of people's jobs as a priority when we consider changing industries. I also acknowledge all the members of the delegation: Joe Hutchings, Manu Risoldi, Tegan Drage, Steve Carter, Bronwyn Ellis, Andrew Condie, Adam Latta,

Michael Stafford, Ryan Julius, Shane Dickinson, Luke Seacombe, Brent Smith, Mike Hall, Russell Lawson, Rachel Hancey, Gisela Kober-Brown, Dallus Arnold, Anthony Cole, Steve Ilitch, John Gunst, Wayne Wilson, Laz Glumac, Christopher Medley, Sharon Musson, Alison Rudman, Anna Dinh, Luke Hayden, Matthew Hamilton, James Hutton, Chris Gilbee, Bev Ruha and Michael O'Leary.

### MENTAL HEALTH

**The Hon. JACQUI MUNRO (22:20):** R U OK? Day is held on the second Thursday of every September, this year falling on 12 September, which was two weeks ago. A community event that prompts us to connect with our friends and neighbours, it gives us permission to broach a subject that every Australian is familiar with but would never invite willingly into their lives. This week I have been reflecting on death, trying again to reconcile the loss of another friend in tragic circumstances and attending another funeral of someone who, though he had lived so many good days, was overcome by a lost faith in life to deliver just one more better day.

We spend a lot of time talking about death in this place. In trying to offer our fellow citizens the best possible life, we routinely consider the worst of it. That includes protecting the vulnerable against harm and against the powerful, preventing needless deadly motor accidents, shielding children from predators, honouring the service of people who put their lives on the line for the protection of our State and nation before they give up on themselves, and warning people who unwittingly take deadly substances and are gone in an instant. Human life is fragile. The human spirit is fragile. People who fight on internal battlefields in deep isolation are people we must support and acknowledge as strong, courageous, worthy and in desperate need of something that they are not getting from what their world is currently offering.

Suicide is the main cause of death among people aged 15 to 49 in Australia. It is the third leading cause of premature death from injury or disease. How do we instil hope and freedom in those who are losing their sense of it? In 1953 Menzies said, "The most important thing in any centre of population is to develop a sense of community and of community service." In fact, he believed that at the heart of civilisation is "something that resides in the human mind and the human spirit, and not something that can be turned on by a switch, or discovered in the roar of an aeroplane engine". He went on to say, "The test of civilisation is freedom, freedom of the spirit and of the mind and of the body."

Marcus Aurelius followed a similar path in saying, "Body, soul, intelligence: to the body belong sensations, to the soul appetites, to the intelligence principles." It is an appetite for freedom that gives us hope and the desire and ability to connect with our fellows and be part of a civilised society. Yet my friend, alongside so many Australians, experienced overwhelming despair, isolation and constriction. The crushing pain of living was too much for someone who should have had everything to live for—friends, nephews, success, strength—fighting for so long for that appetite for freedom that slipped away too often.

Can we call ourselves a civilised nation when so many people are not okay? So many people feel disconnected, alone and pressured by expectations to the point of breaking. My friend, like others before him, felt too often that his freedom was unattainable. He fought the world in so many ways, coming out as gay when he was 19 in the '90s, growing up with a difficult family life and separated parents, and the early loss of his father. He told me that his personal evidence had helped to convict a child sex abuser. Despite this, he shone as an adult, unfailingly generous, kind and the life of the party, yet with the attendant foibles of character that made him complex, troubled and sometimes unpredictable.

In engaging in what might be called a civilised ritual of his funeral this week, he helped me to find some spirit of community—the community that Menzies spoke of. But his funeral did not, and perhaps could not, honour my friend's depth and courage. Is the failure of a community to honestly reflect itself and its members a failure of civilisation? While I am grateful for the opportunity to come together with friends to mourn and grateful for a freedom of spirit of my own, there is more action required to embed a sense of community. I reinforce the courageous, quiet honesty that is required for a civilised society, with listening as an act of community service—having the courage to listen.

I honour my friend tonight and all those who trudge through this life with complicated feelings, difficult experiences and internal battles. They might not be okay right at this moment but hope and freedom are possible. They are not alone, and there is a community for them however they show up. Last year at the funeral of Harold Hunt, OAM, a great man who I have spoken about in this place before, I was honoured to share some hard-earned wisdom he shared with me, "There are people who feel no hope, but nobody is hopeless." I end with a hopeful quote from Marcus Aurelius:

The safety of life is this, to examine everything all through, what it is itself, what is its material, what its formal part; with all thy soul to do justice and to say the truth. What remains except to enjoy life by joining one good thing to another so as not to leave even the smallest intervals between?

**The DEPUTY PRESIDENT (The Hon. Emma Hurst):** The question is that this House do now adjourn.

**Motion agreed to.**

**The House adjourned at 22:25 until Tuesday 15 October 2024 at 12:30.**