

LEGISLATIVE COUNCIL

Tuesday 22 October 2024

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

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

Announcements

HIS MAJESTY KING CHARLES III

The PRESIDENT (12:32): I acknowledge the momentous visit of His Majesty King Charles III to the Parliament of New South Wales last Sunday on the occasion of the bicentenary of the Legislative Council. His Majesty's presence marked a significant milestone in our rich history, following his visit in 1974 for the Legislative Council's 150th anniversary. In an address to key leaders from across the State, His Majesty stressed the importance of representative democracy and its need to evolve to remain fit for purpose to serve today's diverse societies. He highlighted that, when underpinned by wisdom and good faith, democracy has an extraordinary capacity for innovation, compromise, adaptability and stability.

During his visit, His Majesty graciously presented the Legislative Council with a beautiful and symbolic gift: an hourglass. This hourglass, now proudly displayed in our Chamber, represents not only the passage of time but the continuity of this institution. Each grain of sand falling reminds us of the responsibility we all carry, the decisions we make, and the lasting impact they have on the people of New South Wales. May it inspire us to continue our work with wisdom, integrity and a sense of purpose. As we look ahead to the next 200 years, may this hourglass stand as a reminder of the Legislative Council's enduring role in shaping the future of our great State.

Governor

ADMINISTRATION OF THE GOVERNMENT

The PRESIDENT: I report the receipt of messages concerning the administration of the Government.

Bills

ROAD TRANSPORT LEGISLATION AMENDMENT (SPEED CAMERA DETECTION) BILL 2024

Messages

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

STATE EMERGENCY AND RESCUE MANAGEMENT AMENDMENT BILL 2024

Messages

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

AGRICULTURE COMMISSIONER BILL 2024

Returned

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

Documents

LAW ENFORCEMENT CONDUCT COMMISSION

Reports

The PRESIDENT: According to the Law Enforcement Conduct Commission Act 2016, I table the report of the Law Enforcement Conduct Commission entitled *Operation Pamir: A report under section 132 of Law*

Enforcement Conduct Commission Act 2016 concerning the arrest, charging and prosecution of a vulnerable person, including issues arising from his detention in custody, dated October 2024, received out of session and made public on 18 October 2024.

INFORMATION AND PRIVACY COMMISSION

Reports

The PRESIDENT: According to the Government Sector Finance Act 2018, the Government Information (Information Commissioner) Act 2009 and the Privacy and Personal Information Protection Act 1998, I table the annual report of the Information and Privacy Commission for year ended 30 June 2024, received out of session and made public on 21 October 2024.

Motions

UNITED TOGETHER EVENT

The Hon. JACQUI MUNRO (12:35): I move:

- (1) That this House acknowledges the United Together event organised by the NSW Jewish Board of Deputies and the Zionist Council of NSW on 7 October 2024 in Sydney.
- (2) That this House recognises the significant contributions made by the Israeli and Jewish communities of New South Wales, who make up an estimated 50,000 people of New South Wales.
- (3) That this House supports the Bring Them Home campaign, a collective effort by global Jewish communities advocating for the safe return of hostages taken by Hamas and held in Gaza since the 7 October 2023 atrocities.
- (4) That this House notes that:
 - (a) the event was held in memory of the 1,200 people who were killed by Hamas terrorists in southern Israel one year ago; and
 - (b) the event was attended by the following:
 - (i) Rabbi Levi Wolff;
 - (ii) Rabbi Yossi Freedman;
 - (iii) Rabbi Menachem Feldman;
 - (iv) Rabbi Danny Yaffe;
 - (v) Rabbi Mendel Kastel;
 - (vi) Rabbi Dovid Slavin;
 - (vii) Rabbi Jeffrey Kamins;
 - (viii) Rabbi Jacqueline Ninio;
 - (ix) Rabbi Shua Solomon;
 - (x) Mr David Ossip, President, NSW Jewish Board of Deputies;
 - (xi) Ms Danielle Tischmann, NSW Co-President, Australasian Union of Jewish Students;
 - (xii) Mr Noah Conyer, the former chairperson at Netzer;
 - (xiii) Ms Shenhav Cohen, Tzofim;
 - (xiv) Mr Elisha Shifroni, NSW President of Hineni Youth and Welfare;
 - (xv) Mr Max Kidman, Habonim Dror;
 - (xvi) Mr Rafi Franklin, Bnei Akiva;
 - (xvii) Mr Samuel Gray, Betar;
 - (xviii) Dr Orli Zahava, President, Zionist Council of NSW;
 - (xix) Mr Noel Zihabamwe, founder and chairperson of the African Australian Advocacy Centre;
 - (xx) Mr Sai Paravastu, National President of the Hindu Council of Australia;
 - (xxi) Mr Murray Norman, CEO of Christian SRE;
 - (xxii) Mr Wally Walid Mehanna, Board Member and CEO of Canterbury Bankstown Chamber of Commerce;
 - (xxiii) Mr Surinder Jain, National Vice President and Director of the Hindu Council of Australia;
 - (xxiv) Mr Paul Nguyen, representative for the Vietnamese community;
 - (xxv) the Hon. Scott Morrison, former Prime Minister of Australia;
 - (xxvi) Ms Nova Peris, OAM, former Senator;

- (xxvii) the Hon. Mark Butler, MP, Minister for Health and Aged Care;
- (xxviii) the Hon. Peter Dutton, MP, Leader of the Opposition in Federal Parliament;
- (xxix) Mr Julian Leeson, MP, member for Berowra, Deputy Chair of Standing Committee on Health, Aged Care and Sport;
- (xxx) the Hon. Michael McCormack, MP, member for Riverina;
- (xxxi) Ms Allegra Spender, MP, member for Wentworth;
- (xxxii) the Hon. Chris Minns, MP, Premier of New South Wales;
- (xxxiii) the Hon. Michael Daley, MP, Attorney-General of New South Wales;
- (xxxiv) the Hon. Stephen Kamper, MP, Minister for Small Business, Minister for Lands and Property, Minister for Multiculturalism, and Minister for Sport;
- (xxxv) Ms Marjorie O'Neil, MP, member for Coogee;
- (xxxvi) the Hon. Greg Donnelly, MLC;
- (xxxvii) the Hon. Mark Speakman, MP, Leader of the Opposition in New South Wales Parliament;
- (xxxviii) Mr Alister Henskens, MP, shadow Attorney-General;
- (xxxix) the Hon. Damien Tudehope, MLC, Leader of the Opposition in the Legislative Council;
- (xl) the Hon. Natalie Ward, MP, Deputy Leader of the Liberal Party in New South Wales Parliament;
- (xli) Ms Kellie Sloane, MP, shadow Minister for Health;
- (xlii) the Hon. Natasha Maclaren-Jones, MLC, shadow Minister for Families and Communities, shadow Minister for Disability Inclusion, shadow Minister for Homelessness and shadow Minister for Youth;
- (xliii) Mr Matt Cross, MP, shadow Assistant Minister for Education and shadow Assistant Minister for Government Accountability;
- (xliv) the Hon. Susan Carter, MLC, shadow Assistant Minister for Corrections, shadow Assistant Minister for Attorney-General and shadow Assistant Minister for Special Minister of State;
- (xlv) the Hon. Jacqui Munro, MLC, shadow Assistant Minister for the Arts, Innovation, Digital Government and the 24-Hour Economy;
- (xlvi) the Hon. Robert Borsak, MLC;
- (xlvii) Mayor Will Nemesh, Waverley Council;
- (xlviii) Deputy Mayor Sean Carmichael, Woollahra Municipal Council;
- (xlix) Councillor Katherine Westwood, Waverley Council;
- (l) Councillor Michelle Stephenson, Waverley Council;
- (li) Councillor Lauren Townsend, Waverley Council;
- (lii) Councillor Dov Frazer, Waverley Council;
- (liii) Councillor Steven Lewis, Waverley Council;
- (liv) Councillor Joshua Spicer, Waverley Council;
- (lv) Councillor Mary-Lou Jarvis, Woollahra Municipal Council;
- (lvi) the Hon. Walt Secord, former member of the Legislative Council; and
- (lvii) Ms Ro Knox, Liberal candidate for Wentworth.

Motion agreed to.

HOLI FESTIVAL OF COLOUR

The Hon. MARK BUTTIGIEG (12:35): I move:

- (1) That this House notes that:
 - (a) on 23 March 2024, the Ryde Indian Association and Club Ryde Ex successfully held their first ever Holi Festival of Colour celebration, and the Hon. Mark Buttigieg, MLC, was honoured to attend and make a speech at the invitation of Kedarnath (Kevin) Pagaddinnimath, president of the association, as well as represent the Minister for Multiculturalism, the Hon. Stephen Kamper, MP, and the Premier, the Hon. Chris Minns, MP;
 - (b) Holi, the festival of colours, marks the start of spring in India and celebrates the love between Radha and Lord Krishna. Good over evil is a key message delivered during Holi; and
 - (c) the Ryde Indian Association and Club Ryde Ex's celebration included many fantastic dance and music performances, food, Indian fashion and jewellery stalls, and several speeches, and the guests included:
 - (i) Mr Jordan Lane, MP;

- (ii) Mayor of the City of Ryde, Councillor Trenton Brown;
 - (iii) then councillor and former mayor of the City of Ryde, Bernard Purcell;
 - (iv) Councillors Shweta Deshpande, Penny Pedersen and Justin Li of City of Ryde Council; and
 - (v) Councillor Barbara Ward of Ku-ring-gai Council.
- (2) That this House commends the Ryde Indian Association organising committee and Club Ryde Ex for their efforts in collaborating to organise their inaugural Holi Festival of Colour celebration.

Motion agreed to.

HOLI HUNGAMA

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

- (1) That this House notes that:
- (a) on 23 March 2024, the Association of Nepal Terai in Australia held a Holi Hungama event in Rockdale and the Hon. Mark Buttigieg, MLC, was honoured to attend representing the Premier, the Hon. Chris Minns, MP;
 - (b) the Association of Nepal Terai is based in Sydney and has worked since 2008 to promote, celebrate and support the diaspora of the Terai region of Nepal in Australia;
 - (c) the Holi Hungama event was bright in its celebration of the festival of colours, not just with the throwing of colourful powders but also the joys of engaging live performances, delicious puwa, which is a typical Holi food, and an awards presentation; and
 - (d) guests at the Holi event included His Excellency Mr Kailash Raj Pokharel, the Ambassador of Nepal to Australia.
- (2) That this House commends the Association of Nepal Terai in Australia, particularly the president, Mr Ranjit Sah, and general secretary, Bikash Kumar Jha, for conducting the fantastic event.

Motion agreed to.

STUDENTS WITH DISABILITY

Ms ABIGAIL BOYD (12:36): I move:

- (1) That this House notes that:
- (a) on 26 September 2024, the Audit Office of New South Wales published a performance audit report of the NSW Department of Education entitled *Supporting students with disability* which found that:
 - (i) the department has not been adequately implementing its own inclusive education policies and procedures or rectifying longstanding and well-known issues in a timely way despite being aware of these issues for almost two decades across multiple public reviews and audits, parliamentary inquiries and the recent National Disability Royal Commission;
 - (ii) the department is not even aware of how effectively it is meeting the needs of students with disability because it has not consistently monitored outcomes for students with disability and schools' compliance with legal obligations and inclusive education practices;
 - (iii) the department's criteria for accessing targeted supports for disability has not been updated in over 20 years since 2003, which is continuing to result in the exclusion of students with undiagnosed disability or with diagnosed disabilities that fall outside the outdated criteria including ADHD and dyslexia;
 - (iv) the department's expectations for schools to provide inclusive education are not consistently being realised "on the ground", with the department having no centralised visibility of school performance in supporting students with disability and complying with the Disability Standards for Education;
 - (v) the department does not regularly use input sought from students, parents or guardians, and teachers to understand the experiences of students with disability;
 - (vi) there are gaps in the department's complaints management process, which could be enhanced by providing parents or guardians with independent advice and disability expertise, supporting schools to analyse complaints data and ensuring school complaint handling and other policies are student-centric, accessible, efficient, safe, trauma-informed and culturally appropriate;
 - (vii) Aboriginal students with disability are worse off than their non-Aboriginal peers with disability in relation to suspension, expulsion, individual student growth and reported experiences of bullying; and
 - (viii) students with disability were disproportionately suspended in each year of the audit review period, from 2018 to 2023, and of all the 385,382 suspensions issued over this six-year period, to either primary or secondary students, 58 per cent or 223,706 were issued to a student with disability.
 - (b) the Auditor-General recommended that by January 2026 the Department of Education should:
 - (i) monitor the experiences and outcomes of students with disability at least annually;
 - (ii) expand the use of Nationally Consistent Collection of Data to support funding allocation in accordance with the needs of students with disability;

- (iii) ensure public schools in New South Wales are adequately funded to support students with disability;
 - (iv) work with stakeholders to enhance guidance and practical support to public schools and families on reasonable adjustments for students with disability; and
 - (v) improve the planning and delivery of targeted supports.
- (2) That this House expresses its concern at the findings of the Auditor-General.
- (3) That this House calls on the Government to take urgent action to address them.

Motion agreed to.

FAMILY ADVOCACY AND PEOPLE WITH DISABILITY AUSTRALIA

Ms ABIGAIL BOYD (12:37): I move:

- (1) That this House notes that:
- (a) on Tuesday 15 October 2024, Family Advocacy and People with Disability Australia [PWDA] held a parliamentary forum in New South Wales Parliament on "securing prosperous futures: the vital link between inclusive education and employment";
 - (b) Rosemary Kayess, Australia's Disability Discrimination Commissioner, the event's keynote speaker, spoke about the State and Federal governments' obligations and compliance under the Convention on the Rights of Persons with Disabilities [CRPD] and the pathway forward for dismantling ableism and building an inclusive society with inclusive education and employment;
 - (c) other speakers at the forum included:
 - (i) Rhiannon Samuels-Connell, work experience advocate with lived experience;
 - (ii) Daniel McDonald, Gadigal and Wonnarua man, owner of Deadly Hand Talk and First Peoples Disability Network advocate, who gave a powerful welcome to country;
 - (iii) Megan Spindler-Smith, Deputy CEO, PWDA;
 - (iv) Cecile Sullivan Elder, Executive Officer, Family Advocacy;
 - (v) the Hon. Kate Washington, MP, Minister for Families and Communities and Minister for Disability Inclusion;
 - (vi) Liesl Tesch, MP, Parliamentary Secretary for Families and Communities and Parliamentary Secretary for Disability Inclusion;
 - (vii) the Hon. Natasha Maclaren-Jones, MLC, shadow Minister for Families and Communities, shadow Minister for Disability Inclusion, shadow Minister for Homelessness, and shadow Minister for Youth;
 - (viii) the Hon. Sarah Mitchell, MLC, shadow Minister for Education and Early Learning, and shadow Minister for Western NSW;
 - (ix) Alexander Greenwich, member for Sydney; and
 - (x) Abigail Boyd, MLC, Greens spokesperson for disability rights and inclusion.
 - (d) ahead of the forum, parliamentarians were sent a briefing note prepared by Family Advocacy and PWDA, which included an invitation for the Government to work with the disability community and their representatives to implement the following key recommendations for inclusive education and employment:
 - (i) that the NSW Department of Education adopt a definition of inclusive education that is consistent with the CRPD, in alignment with finding 6 of the New South Wales Legislative Council's Portfolio Committee No. 3 – Education report No. 52 entitled *Children and young people with disability in New South Wales educational settings*, dated August 2024;
 - (ii) that the Government fully "accept" the disability royal commission recommendation 7.5 "Careers guidance and transition support services" and recommendation 27 of the New South Wales Legislative Council's Portfolio Committee No. 3 – Education report No. 52 entitled *Children and young people with disability in New South Wales educational settings*, dated August 2024, in relation to improving career guidance and transition support services;
 - (iii) that the Government establish an independent complaints system, and fully "accept" the disability royal commission recommendation 7.10 "Complaint Management" and recommendation 23 of the Legislative Council of New South Wales Portfolio Committee No. 3 – Education report No. 52 entitled *Children and young people with disability in New South Wales educational settings*, dated August 2024 in relation to this;
 - (iv) that the Government annually monitor the experiences and outcomes of students with disability to take effective steps to improve longer term student outcomes; and
 - (v) that the New South Wales public service increase the percentage of people with disability in its employment in line with disability royal commission recommendation 7.18, including by increasing the disability representation of the teacher workforce and adopting a Customised Employment approach model within the New South Wales public service.

- (2) That this House congratulates the efforts of all those involved in organising a successful event.
- (3) That this House commends the ongoing work and advocacy of Family Advocacy and PWDA in fighting for an inclusive and accessible society free from ableism where all people with disability are able to live with dignity and thrive.

Motion agreed to.

Committees

LEGISLATION REVIEW COMMITTEE

Reports

The Hon. CAMERON MURPHY: I table the report of the Legislation Review Committee entitled *Legislation Review Digest No. 21/58*, dated 22 October 2024.

SELECTION OF BILLS COMMITTEE

Reports

The Hon. BOB NANVA: I table report No. 25 of the Selection of Bills Committee, dated 22 October 2024. According to standing order, I move:

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

- (a) 24-Hour Economy Legislation Amendment (Vibrancy Reforms) Bill 2024;
- (b) Creative Statement to Parliament Bill 2024;
- (c) Environmental Planning and Assessment Amendment (State Significant Development) Bill 2024;
- (d) Health Insurance Levies Amendment Bill 2024;
- (e) Residential Tenancies Amendment Bill 2024;
- (f) Revenue Legislation Further Amendment Bill 2024;
- (g) Roads and Crimes Legislation Amendment (Offences Repeal) Bill 2024; and
- (h) Witness Protection Amendment Bill 2024.

Motion agreed to.

PORTFOLIO COMMITTEE NO. 8 - CUSTOMER SERVICE

Reports

The CLERK: According to standing order, I announce receipt of report No. 2 of Portfolio Committee No. 8 - Customer Service entitled *Pounds in New South Wales*, dated October 2024, together with transcripts of evidence, tabled documents, submissions, correspondence, responses and summary report to the online questionnaire, and answers to questions taken on notice and supplementary questions, received out of session and published on 18 October 2024.

The Hon. EMMA HURST (12:40): I move:

That the House take note of the report.

I am not going to give a long speech, but I note a couple of things. I thank Teneale Houghton from the secretariat for her work on the inquiry. It was one of her first inquiries, but you would not know that from her professionalism and dedication. I also thank the Hon. Peter Primrose for his work on the inquiry. Reports come out much better when people work together, and he has been good to work with on the issue of pounds. One of the recommendations was for an end to puppy farming, and the Government is taking action in that space. Another area that we want to see urgent change in is to outlaw backyard breeding. I take the opportunity to highlight the urgency of that situation, alongside the need to legislate around puppy farming.

Debate adjourned.

Petitions

RESPONSES TO PETITIONS

The CLERK: According to standing order, I announce receipt of the following responses to petitions signed by 500 or more persons:

- (1) Government response from the Hon. Jo Haylen, MP, Minister for Transport, to a petition presented by the Hon. Chris Rath on 17 September 2024 relating to bus services on Parramatta Road in Homebush, Homebush West and Lidcombe, received out of session and published on 21 October 2024.

- (2) Government response from the Hon. Tara Moriarty, MLC, Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales, to a petition presented by Ms Sue Higginson on 17 September 2024 relating to a 72-metre-tall spotted gum nicknamed Big Spotty located in Brooman State Forest, received out of session and published this day.
- (3) Government response from the Hon. Anoulack Chanthivong, MP, Minister for Better Regulation and Fair Trading, Minister for Industry and Trade, Minister for Innovation, Science and Technology, Minister for Building, and Minister for Corrections, to a petition presented by Ms Sue Higginson on 18 September 2024 relating to free phone call access to State prison inmates, received out of session and published this day.
- (4) Government response from the Hon. Anoulack Chanthivong, MP, Minister for Better Regulation and Fair Trading, Minister for Industry and Trade, Minister for Innovation, Science and Technology, Minister for Building, and Minister for Corrections, to a petition presented by Ms Sue Higginson on 18 September 2024 relating to access to wider education programs and information technology devices, received out of session and published this day.

PETITIONS RECEIVED

New South Wales National Parks

Petition requesting that the Legislative Council conduct an inquiry into the viability of allowing currently prohibited recreational activities in all New South Wales national parks, received from **the Hon. John Ruddick**.

Documents

RACECOURSE HOUSING DEVELOPMENT

Return to Order

The CLERK: According to the resolution of the House of Wednesday 13 March 2024, I table documents received on Friday 18 October 2024 from the Department of Planning, Housing and Infrastructure relating to an order for papers regarding racecourse housing development proposals, together with an indexed list of documents.

Notices

PRESENTATION

[During the giving of notices of motions]

The PRESIDENT: The Hon. Wes Fang will cease interjecting.

Business of the House

WITHDRAWAL OF BUSINESS

The Hon. JEREMY BUCKINGHAM: I withdraw private members' business item No. 1457 standing in my name on the *Notice Paper* for today relating to an order for papers regarding Strike Force Alethia.

POSTPONEMENT OF BUSINESS

The Hon. JOHN GRAHAM: I postpone Government business notices of motions Nos 1 and 2 until next sitting day.

Bills

ROYAL BOTANIC GARDENS AND DOMAIN TRUST AMENDMENT BILL 2024

First Reading

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

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

Statement of public interest tabled.

The Hon. JOHN GRAHAM: I move:

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

Motion agreed to.

The Hon. JOHN GRAHAM: I move:

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

Motion agreed to.

*Ministerial Statement***MINE SAFETY**

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (13:19): I update the House on the tragic death of a coalminer last month on the site of the Austar Coal Mine. The Government has waited to provide more information to the Parliament out of respect for the individual's family and the broader community as they grieve their loss. As members may have seen, details of the Resources Regulator's incident report were reported by the media last week. In light of this, I feel it is appropriate, as Minister for Natural Resources, to place in the *Hansard* record my deepest condolences on the passing of Craig Hugo and, on behalf of the New South Wales Government, to offer our sympathies to his friends, family and colleagues.

The Austar mine closed in February 2020, entered the decommissioning phase and was being prepared for closure. The incident occurred at the mine's number two shaft on 17 September 2024. While contractors were preparing to attach steel plates to beams fixed to a shaft cover, the worker, Mr Hugo, fell through a section of the existing cover plate measuring approximately one to two metres long and 0.5 metres wide, which had been removed by the workers. A rescue operation conducted by Mines Rescue and the New South Wales police rescue unit commenced. His body was later found about 400 metres beneath the entrance to the shaft. It is a tragic incident and followed the death of another mine worker in Queensland just two weeks earlier. The incidents have undoubtedly affected mine workers across the industry and my thoughts are with them all at this difficult time.

Safety is the highest priority for the mining industry and for the New South Wales Government. We take incidents like this extremely seriously. Immediately after Mr Hugo's death, I wrote to his family to offer my condolences on behalf of the New South Wales Government. I inform the House today that the Resources Regulator has now tabled its initial investigation information report into the incident. It has also commenced a longer investigation to determine the cause and circumstances of the incident and will explore the effectiveness of the controls in place to eliminate or minimise risks to health and safety arising from falls from heights. I am advised that an investigation like this will take about 12 months.

Just weeks before Mr Hugo's tragic death, I spoke at the 27th Annual Memorial Day Service in Aberdare, hosted by the Mining and Energy Union [MEU]. It was an appropriately sombre, but beautiful, tribute to those who have lost their lives in the mining industry, which has been synonymous with the Hunter region for generations. There I spoke about the central covenant of safety in the mining industry: that every worker should return home to their family. At the MEU memorial day service I again read the names on the Jim Comerford Memorial Wall of the 1,793 men, women and boys who have died while working the Northern District coalfields since 1801. It was a solemn reminder of the importance of safety in mining and the need to continue to improve and reinforce the highest standards of work, health and safety. I know that commitment is shared by not just the Government but also the unions and the mining industry. We have strong mine safety legislation in New South Wales but we must never be complacent. We have a tripartite approach to safety, bringing the Government, unions and industry together to confront the immediate risks to workers, as well as the ongoing, long-term challenges of workers' health and safety.

In closing, let me reiterate: The number one priority in any mine needs to be safety. While safety protocols and procedures have greatly improved in mining, Mr Hugo's tragic death is an important reminder of why we need to always remain vigilant to protect workers. On behalf of the New South Wales Government, I once again want to extend our deepest condolences to Mr Hugo's family, friends and colleagues. As you grieve your loss, you are all in our thoughts. I assure Mr Hugo's family that the community and the Parliament will learn from this incident and take any actions we need to.

The Hon. DAMIEN TUDEHOPE (13:24): On behalf of the Opposition, I express our condolences to the family, friends and loved ones of Mr Craig Hugo. I also express our condolences to the Cessnock community and Hunter Valley mining community. At only 59 years of age Mr Hugo tragically lost his life at the Austar Coal Mine after falling into a decommissioned mine shaft on 17 September 2024. A father and grandfather, Craig was expected to come home safely from work that day, and it is heartbreaking that he did not.

A single workplace death is one too many. The shockwaves of an incident like that ripple throughout workplaces, communities and industries, and our hearts go out to everyone affected by the tragedy. We should also acknowledge the impact such a tragedy has on the first responders and those who participated in the rescue operation. I thank them for their service in that terrible circumstance. I welcome the investigation being conducted by the Resources Regulator to ensure that incidents like that never happen again. We need to do all that we can to ensure that everyone who goes to work makes it home safely. Again, I express condolences on behalf of the opposition to Mr Craig Hugo's family.

*Bills***24-HOUR ECONOMY LEGISLATION AMENDMENT (VIBRANCY REFORMS) BILL 2024****Second Reading Debate****Debate resumed from 15 October 2024.**

The Hon. JACQUI MUNRO (13:26): I contribute to debate on the 24-Hour Economy Legislation Amendment (Vibrancy Reforms) Bill 2024. This year has been tough for hospitality businesses, with the media reporting that twice as many hospitality businesses have gone under compared to a decade ago. Today just under one million workers in New South Wales, or 21 per cent of the total workforce, are employed in night-time and shiftwork roles. Public reports suggest that Sydney's night-time economy is estimated to be worth \$27 billion annually; however, Sydney is potentially missing out on an additional \$6 billion a year due to its underdeveloped night-time economy.

The Sydney arts and culture sector employs nearly 47,000 people with the largest share in media production and broadcasting at 36 per cent, followed by music performing and visual arts at 20 per cent. Sydney has the largest proportion of people employed in arts and culturally associated work in the country at 2.24 per cent, followed by Melbourne at just 1.76 per cent. They are significant components of our economy and society, and they drive growth through tourism and good vibes, which are infectious. The people involved in those industries are invariably small business people, enterprising individuals working in teams with tight margins and few resources, and are facing particularly trying times when energy costs are exorbitant and the cost-of-living crisis means that discretionary spending is a luxury for many. Making life easier for those people is important if we want a thriving economy, yet 2024 has been labelled the toughest year ever for hospitality venues and an astounding number of venues have closed.

I acknowledge my Coalition colleagues and congratulate them on their leadership on vibrancy reforms. The bill would not have been possible without the vision of former Minister for Hospitality and Racing, the Hon. Kevin Anderson, and the former Minister for Planning, and Minister for Homes, the Hon. Anthony Roberts, who piloted the successful trial of the first entertainment precinct on Enmore Road in 2022. The original three-month special entertainment precinct trial has now become *du jour* or, should I say, *de la nuit*—a standard approach to encouraging night-life vibrancy. At the time, Jacqueline Cunningham, owner of Secret Garden Bar, said that being a part of the special entertainment precinct was a privilege to help support the strip's recently crowned title as the "coolest street in Sydney". She said:

The extended live performance and trading hours is like a stamp of approval, which gave us confidence to keep our shows on for more people to enjoy later into the night.

She further explained:

We hired more artists, and with great live bands, drag shows and comedies free of charge, our bar has been ever more popular among punters. This trial has been a win for all.

As part of the pilot, noise complaints were managed solely by Inner West Council, which was working to streamline the noise complaints process instead of multiple government agencies. The former Coalition Government also appointed the State's first 24-Hour Economy Commissioner, Michael Rodrigues, who maintains that position. We are delighted that he does so given his passion, expertise and networks. He is incredibly dedicated and is a wonderful representative of the industry. The changes were important at the time to support a hospitality industry in strife following years in the wilderness, including the COVID pandemic.

The intent of the bill is good, but there are questions that the Minister should answer to ensure clarity for industry stakeholders. The bill suffers from the joint problem of being too slow but also too rushed. We are 18 months into the Government's term. We have seen one tranche of the bill and we hear there is another tranche to come. The reality is that the changes could have been made earlier. They affect a range of legislation. I would argue the changes would have been more appropriate in the first tranche. The other aspect is that despite being slow in one sense, we have only had the bill for a matter of days. In speaking to stakeholders, there is still a lack of clarity and certainty about what it means for industry, councils and planners. When considering changes that affect a range of stakeholders, it is reasonable to expect that those stakeholders have a better understanding of how it will impact them day to day on the ground, but that is certainly not the feedback that we have received so far.

The bill will do some good. Development consents that require modifications to development applications are being restricted, which is incredibly onerous and costly to small businesses. Stakeholders have been crying out for changes that would streamline those processes. It would mean they can control activity in their venues and premises so they can have four musicians rather than three, which might have been stipulated in a development application that was imposed upon them decades ago. Good things in the bill will allow for more improvement

and vibrancy in the communities that want it the most. But there is also an extraordinary amount of power vested in the Minister for the changes to occur. I wonder if that is because the details of the bill have not been ironed out.

When talking about a bill that reflects changes to a huge range of industry stakeholders, clarity is key. I could not say it better than the Legislation Review Committee in *Legislation Review Digest No. 21/58*, which can be found on the Parliament's website. I refer to some important parts of that report. The report highlights that some details will potentially have material negative effects on licence holders, businesses and stakeholders. The first is the amendment to the Liquor Act 2007. The bill would insert new section 75 (1) (b) (iii), which would allow police to issue an improvement notice to a relevant person of a licensed premises when "noise is being emitted near the licensed premises by patrons of the licensed premises or staff or contractors of the licensee". Including that section creates the power for police to issue an improvement notice without the clarification or definition as to what constitutes noise or what constitutes "near the licensed premises".

The section has the effect that police may use those regulatory powers on premises licence holders with a fine of up to \$11,000. Without the powers being defined and with a penalty of \$11,000, I would argue that it opens up the possibility of overpolicing or, at least, impact on the business to operate effectively. It is difficult for licence holders to know how they should act around poorly defined new pieces of legislation. What do they have to do to ensure that they are not going to get an \$11,000 fine from police without those defined terms? Further, schedule 1 [3] to the bill proposes to insert clause 20 into the Act. The Legislation Review Committee said:

Clause (20) is a wide power for the Minister to delegate any of their functions (other than the power of delegation) to a public service employee or a person authorised by regulations.

That is an incredibly wide delegation of statutory functions. Again, that has an impact on an incredibly large class of people—that is, the stakeholders, and then the delegation powers can be to any member of the public service. There is an unclear process that is not accountable and not transparent for stakeholders to engage with. That is a problem. Stakeholders deserve more detail on how the wide delegation powers are expected to be used or that they be limited to specific circumstances, and the Minister should be very clear about those circumstances. We deserve accountability and transparency, especially in matters where there is such a wide, sweeping set of changes across industry.

The non-compulsory mediation scheme recognises that stakeholders deserve a better opportunity to mediate to avoid fines and prosecution for indiscretions that they may not have deliberately engaged in. The Minister can issue a policy about mediation between live music and performance venues and councils or private individuals that is not set out in the legislation. It is unclear how that mediation scheme will roll out because there is no detail about the process. It has to go through the Minister's office. Again, a better definition is required. The definition of the types of people and organisations that can engage in the mediation scheme is also not yet clear.

One might say there are concepts of a plan, but it is unclear which stakeholders can engage with the scheme and how the process will work. There is also no mechanism in the legislation for reporting. We want to ensure that the scheme is monitored. Reporting of the new non-compulsory mediation scheme is critical to its proper functioning and should reflect the number of people and organisations that request the mediation, how many are denied it and how many get successful outcomes as a result the mediation process. It will ensure that stakeholders are given a voice, particularly when the current process is so opaque. The Legislation Review Committee noted:

The Committee generally prefers that Ministerial orders are provided for by regulations to ensure an appropriate level of parliamentary oversight. This is because, unlike Ministerial orders, regulations must be tabled in Parliament and are therefore subject to disallowance ...

Again, it reinforces that ministerial orders and the Minister's involvement is a unique way for this process to occur because it sits outside the usual accountability mechanisms that we expect which enables stakeholders to come to members of Parliament to ensure that a scheme like this functions adequately. Next would be the power for the Minister to declare a major event through an order published in the *Government Gazette*. Under the Major Events Act, a major event may currently only be declared by regulation. The bill seeks to bring oversight out of that process and into the Parliament. We want to see the Minister address it through public reporting to ensure there is clarity and transparency, not just for legislators but also for stakeholders. The bill proposes to shift the process of declaring a major event to a ministerial order. When it is declared, consequential legislative provisions would be enlivened that deal with matters such as the management of roads and airspaces, safe crowd management, and offences.

Major events are not just adding an event to a list; there are material impacts for the taxpayers of New South Wales. Whether related to road closures or transport, there is potentially significant expenditure and disruption for local communities and taxpayers. Therefore, the idea that oversight could not go through the Parliament needs to be addressed by the Minister. The criteria for whether a venue is significant will apparently be listed in mediation policy part 3, section 19, but it is unclear what a significant venue is. A significant venue means a live

music and performance venue that meets the criteria specified in the mediation policy. But if we do not have a mediation policy, how are stakeholders supposed to understand what would relate to them, when and how?

Schedules 1 and 5.1 to the bill are to be enacted on a date of proclamation—and I mentioned something similar in relation to the Music Festivals Amendment Bill 2024, for example. There is no clarity about when it will be enacted, which is problematic for an industry that deserves and requires certainty. Major and smaller events are not organised overnight. They require stability, certainty and clarity, but we are not getting that from the bill. The date of proclamation should be clarified by the Minister to ensure that stakeholders know what is coming and when. A bizarre inclusion in the bill is new section 4C (1) in the Major Events Act 2009:

- (1) The Premier may cancel or vary an order of the Minister for a major event, including a Ministerial order, by giving written notice to the promoter for the event.

However, subsection (3) reads, "The Premier is not required to consult with the promoter before taking action under this section." I wonder if that relates to the Pandemonium Rocks festival famously cancelled earlier this year when the Premier had to step in after an interview on 2GB. The Premier decided that the Pandemonium Rocks festival could not go ahead in Sydney's Domain on Anzac Day, as had been advertised with the support of the Federal Minister and local public servants who had worked to ensure the event would go ahead, and taken significant steps to ensure that the festival did not overlap with the Anzac Day march and that it respected the solemnity of Anzac Day, which is very important. Those steps included aligning the festival to start at the same time as the National Rugby League down the road.

It has now come to light that certain individuals seemed to be putting pressure on the Minister specifically, or at least on the Premier, so he took the opportunity to make an individual decision to cancel the festival at the eleventh hour, at great cost to the festival organisers and great disruption to ticketholders. He obviously decided he needed to step in because the existing processes, and perhaps the judgements of other Ministers, were not adequate to respond to the situation that he found himself in. I wonder why new section 4C is included in the bill when the Premier may step in and override the Minister's discretion—of which there is much—and make decisions on behalf of the Government without even consulting the people who were involved in the organisation of an event, such as a promoter. It is very strange to have that in the bill when there is so much discretion offered to the Minister, yet it can be superseded if the big boss decides it is all too much. That process obviously needed to be codified so it can happen again.

Finally, I note the transport oriented development [TOD] plans underway, as there may be potential conflicts between two Government policies. The planned TOD will obviously be substantially co-located with entertainment precincts and existing venues because TOD is designed to be around places that are already hives of activity, and where venues are often located because they are easy to get to. Given there are two policies that, firstly, make sweeping changes to the ways in which local venues can amend their own development consents through council and, secondly, reflect the Government's intention to have a huge amount of uplift in residential dwellings in particular areas, the Government should clarify the operation of those two policies, including their relationship and how they intersect. Obviously building high-rise developments next to live music and pubs may not be a recipe for harmony, but the Government must clarify how it will actually work in practice.

We all want our city and State to be vibrant. We want to make sure there are opportunities for people to do business, stay up late if they want to, and have a fun time. That is what it comes down to. It is not just the economic; it is the cultural and the social. More than ever, we need spaces where we can come together as a society to find the similarities of our human experience, including music and night-life, and be out in situations where we do not necessarily know everybody, and we can meet and have conversations with people whom we would perhaps never come across in our day-to-day lives at work or at home.

The real fabric of society is made through unplanned, spontaneous interactions based on shared passions that drive togetherness, like music. They are the things that make a city, community and State great. I acknowledge that is true in regional areas as much as in the Sydney CBD and other CBDs around the State. We have things like the Tamworth Country Music Festival and Bluesfest Byron Bay—rest in peace. Those are places people go to for years to make relationships, to have opportunities to meet and to enjoy life. At its core, that is what it is about. As a young person—I do not know if I can call myself a young person any more—

The Hon. Emily Suvaal: You can.

The Hon. Stephen Lawrence: You can.

The Hon. Wes Fang: Have a look around the Chamber, Jacqui—you can!

The Hon. JACQUI MUNRO: I acknowledge all the supportive interjections. I can. Thank you. People younger than me who have gone through COVID really crave the opportunity for human connections that we

were all lucky enough to grow up with. Opportunities to be out and about are more important than ever. For that reason, the Opposition acknowledges that the intention and aims of the bill are good. We support the bill.

The PRESIDENT: On that note, I welcome the genuine young people in the gallery today. You are very welcome to view this pertinent debate on things I expect might be of significant interest to you down the line.

Ms CATE FAEHRMANN (13:49): As The Greens spokesperson on music and the night-time economy, I support the 24-Hour Economy Legislation Amendment (Vibrancy Reforms) Bill 2024. I will use this contribution to express a few concerns, as did the Opposition spokesperson on this issue, the Hon. Jacqui Munro. I acknowledge that we have a lot of people watching who are under 18, I assume, and who will want a much more vibrant night-time economy and life in Sydney than people 10 years their senior have had. That was because of the history in this place of clamping down on businesses and night-life, and overpolicing and over-regulating the entire night-time economy of this State.

Sydney is still recovering from the rash, ill-considered and—as The Greens stated at the time—wrong decision of this Parliament to introduce lockdown laws in 2104, in response to the alcohol-fuelled violence that occurred at the time in Kings Cross. I sat on the Joint Standing Committee on Sydney's Night Time Economy, which found that the New South Wales Government and stakeholders needed to take proactive steps to revitalise Sydney's night-time economy. I acknowledge the work of the Minister in bringing forward some suggestions to do that, and the bill builds on what has been a concerted effort to put in place some measures to make the night-life in Sydney and across the State more vibrant. The Greens support those measures today.

Turning to key aspects of the bill, it establishes a mediation framework within the 24-Hour Economy Commissioner Act 2023 and empowers the Minister for Music and the Night-time Economy to refer live music and performance venues with legitimate disputes for mediation or case management. I have had discussions with the Minister's office—and I note the concerns put forward by the Opposition—about the new definition of something called a "significant venue". It will be defined in a "mediation policy", which we have not seen. A lot in the bill is left to things we have not seen; there is a lot of trust in this bill. The mediation framework will only apply to live music and performance venues that meet the definition of "significant venue" as specified in the policy, and I understand that the Minister will decide whether mediation will be provided to assist in resolving the dispute in relation to the venue. Again, as the Opposition spokesperson said, quite a lot in the bill is left to ministerial control, except if the Premier jumps in and decides to cancel a special event, which I will get to.

Currently, venues have informal avenues for dealing with disputes that arise, such as a disagreement about compliance with a development consent. A number of different bodies manage those types of disputes. It seems that "significant venue" leaves out a hell of a lot of other venues in New South Wales, even though we do not know how they will be defined. It is important to ensure that other venues, such as Club 77, which I have raised a number of times in this place, can access conflict resolution and mediation if they need to. I have been informed that a number of different bodies will manage various types of disputes. They include Sound NSW, something called team 24, which sits within the Office of the 24-Hour Economy Commissioner, and something called the hospitality concierge, which sits within Liquor and Gaming NSW. That is good to know. However, The Greens hope the definition of "significant venue" is broad enough that, if the Minister sees that mediation is needed, they are able to step in. We hope the definition of the mediation policy is not so restrictive that a lot of venues do not get the immediate support that the Minister thinks they should.

The bill allows for special entertainment precincts to be established, including by the council for the area in which the precinct will be located, by identifying a precinct in a local environmental plan that applies to the land upon which the precinct will be located or in a State environmental planning policy. We have talked about the Enmore Road precinct, which was designated as this State's first special entertainment precinct, meaning that special provisions apply for all local businesses located in the precinct, including later trading hours and footpath dining. Enmore Road is in the wonderful inner west, which is home to several diverse night-life precincts. Inner west venues have been the heartbeat of Sydney's live music scene for generations. The locals love it that way, as does most of Sydney. Each different area of the inner west has its own distinctive character and unique vibe. That is why the locals love it, and people cannot get enough of going to the inner west.

I understand that many other councils are keen for more support to make their local government areas more attractive places for night-time offerings, particularly live music and later trading hours. Many are interested in the potential establishment of a special entertainment precinct in their local government area. In his second reading speech the Minister said that 20 councils have submitted expressions of interest this year in relation to 42 potential precincts and that eight New South Wales councils so far have passed resolutions to establish or investigate a special entertainment precinct in their areas.

The bill requires that special entertainment precincts must only be established at the request of the council for the area in which the precinct will be located, or if all of the following apply: a local environmental plan does

not apply to the land, or any part of the land, on which the precinct will be located; the planning Minister is the consent authority for development on the land or part of the land; and the council for the area in which the precinct is located endorses the establishment of the precinct. The bill also stipulates that before the special entertainment precinct is established, the council must prepare a precinct management plan that provides for the trading hours for premises, the regulation of sound from entertainment activity, including live music, and the process for managing complaints in relation to licensed premises.

Once a special entertainment precinct has been established, a condition of a development consent that is inconsistent with certain matters in a precinct management plan ceases to have effect to the extent of the inconsistency. Those matters are the trading hours for premises, the regulation of sound from entertainment activity from premises and the provision of live entertainment. For complying developments, a condition that is inconsistent with certain matters in a precinct management plan ceases to have effect to the extent of the inconsistency. Those matters are the trading hours for premises and the regulation of sound from entertainment activity from premises.

The bill also amends the Local Government Act 1993 to make clearer when and how councils notify potential property purchasers that the area is a special entertainment precinct. The Minister said that this will avoid the risk whereby a home buyer moves into a special entertainment precinct unaware of the sound and trading conditions, and will ensure that they move into that area with eyes wide open. That was a big part of the Minister's media on the bill. The bill also supports the establishment of special entertainment precincts on State-owned land, which the Minister outlined in his speech to be, for example, White Bay Power Station, Walsh Bay or cultural institutions.

The bill amends the Major Events Act 2009 to provide for what the Minister calls a more favourable regulatory approach for major events, including for foundation events that support the State's calendar and sense of identity. As part of that, though, the bill introduces a new section 4C, which is concerning. The Opposition has already expressed that concern. The section allows the Premier to cancel or vary an order of the Minister for a major event by giving written notice to the promoter for the event. There are two ways the Premier can take action under that section. The Premier may take action only if taking the action is on the advice of a relevant person. A relevant person is the Commissioner of Police, Commissioner of Fire and Rescue NSW, Commissioner of the NSW Rural Fire Service, Commissioner of the State Emergency Service or the Chief Health Officer. In addition, the Premier must be reasonably satisfied that taking action is necessary because of a significant risk of harm to persons from a natural or other threat.

To be honest, that seems fair enough. However, new section 4C also allows for the Premier to cancel or vary a Minister's order for a major event if the Premier is reasonably satisfied that taking the action is otherwise necessary in the public interest. In both of those cases, the Premier is not required to consult with the promoter before taking action, which is quite extraordinary. In the first situation, where there is a natural or other threat and the action is advised by the Chief Health Officer or other relevant person such as the Fire and Rescue commissioner or police commissioner, it is fair enough for the Premier to immediately rule that an event does not take place. But if that is not the situation and it is just in the public interest, then I agree again with the Opposition that surely that is just the Pandemonium clause written into the Act to allow the Premier to cancel anything that the Premier chooses. He cancelled the Anzac Day music festival following complaints by the RSL chief that the festival would interfere with the Anzac Day march. At the time, *The Sydney Morning Herald* reported:

It is understood the abrupt cancellation followed pressure from certain individuals and despite the fact that in producing the event, Apex Entertainment was supporting veteran charities, and enjoyed the endorsement of the federal minister for veterans affairs ...

I also note, again, the festival was to start well and truly after the Anzac Day parade and when the footy started. Frankly, Labor can have all of the vibrancy reforms it likes, but if it cannot stop the Premier responding to *The Daily Telegraph* or, in this case, 2GB by shutting down venues or music festivals without, at the very least, consulting with the promoter and the Minister, I think it has to be careful about calling itself the party that saved live music or the night-time economy.

The bill also removes the requirement for a resident living within five kilometres of the premises of a club to become a member of the club or a member of a similar club in order to attend the club. For a club that has the five-kilometre rule written into its constitution, the amendments allow discretion as to whether the club enforces the rule or not. The Greens are not going to die in a ditch over that amendment in the bill because we are still waiting for whatever comes out of the pokies reform panel that the Government established. We are hopeful of getting some kind of legislation put before this House. We await that.

The committee inquiry into lockdown laws, which I mentioned that I sat on, as did the Minister when he was in opposition, heard about some of the harsher conditions that licensed venues had in their development consents, including the good old prohibitions on hanging mirror balls, on playing disco music—I think there was also

evidence of a venue that had to play disco music, which some members of the committee, including me, were very happy about, while others were horrified, so I do not think we can agree on that—and on dancing.

The committee also heard that some of the most outrageous conditions were lifted, but that process was drawn out and expensive. The bill makes amendments to the Environmental Planning and Assessment Act to switch off a condition of development consent for licensed premises that prohibits particular music genres or prescribes the playing of original music; or provides for the number or types of instruments, the number of musicians, whether dancing occurs, the presence or use of a dance floor, the direction of the stage or the decorations to be used. Seriously, it is kind of embarrassing to be saying those words in this place because they will be in *Hansard* forever. But that is what this State made the businesses and people of this State endure. It is quite extraordinary.

During the inquiry, the committee was also told that businesses had police visit to ensure that their development consent conditions, such as what music they were playing and whether the mirror balls were hanging or not, were enforced. That is absolutely extraordinary. It is important to note that while the bill removes those development consent conditions, it does not completely strip away the power that the authorities have. In her contribution, the Hon. Jacqui Munro expressed concern about elements of the bill that remain undefined, potentially giving the police more power than they should have—the \$11,000 fines. It is good to hear a member of the Opposition talk about too much police power.

The bill amends the Liquor Act by removing section 75 (1). The bill ensures that things do not go absolutely overboard. Development consent conditions have been removed. I know many in the community will be concerned about that. Councils and councillors will be concerned about that. That is why it gives some reassurance in a new section. The current section 75 (1) of the Liquor Act is removed and is replaced with a new section 75 (1) that allows for the issuing of an improvement notice to a licensed venue if the secretary, police officer or marine authority reasonably believes that noise is being emitted from licensed premises in a way that unduly disturbs or unreasonably and seriously disturbs the quiet and good order of the neighbourhood in which the licensed premises are located or noise is being emitted near the licensed premises by patrons of the licensed premises or staff or contractors of the licensee.

That is reassuring; however, there will be concern from both sides that the history of compliance—I again bring up Club 77, but there are others as well—is that in some local area commands the police do overpolice some venues. They may go completely overboard, saying "Development consent conditions might be gone, but this is still in the Act. Shut down your noise please." That is all about the leadership and direction given to the police by this Government. An example from a completely different bill and issue is the drug diversion scheme, where the police are really not using their discretion.

There will be a lot of work to do in relation to these reforms. I know there is the joint agency, whether it is a round table or a committee, which, with the 24-hour commissioner, will try to work with all of the different agencies, including the police. But they really need to get the big message out that premises are allowed to make a bit more noise. The Minister has sent a very strong message about that in the media, especially with regard to the special entertainment precincts. But the venues are allowed to make a bit more noise. From a police officer's perspective, what that now means is very undefined in the bill.

We need to remember the history of this place. I started my speech talking about the changes that were introduced following a campaign—the one-punch laws—after shocking violent incidents. Those changes were ill-thought-out in an ill-considered rush to respond, when people were in distress, to a campaign for members in this place to change the law. We changed the law in a way that had huge and devastating consequences for entire precincts and areas that have taken a very long time to recover. Businesses shut down and people in the industry left the State. Despite *Condé Nast* saying that Sydney is the best city in the world to visit, we also have a reputation for being very strictly controlled when it comes to nightlife. Maybe that suits the *Condé Nast* audience, but we certainly do not have a fantastic reputation for how strictly policed our night-time economy and nightlife is, which is why The Greens are supporting this bill.

The Greens will propose a couple of amendments. One of them deals with the issue of a Premier being able to automatically cancel a special event if he or she thinks it is in the public interest. I will speak to that and our other amendment in the Committee stage. At the time of that debate, The Greens were the only party to vote against the lockdown laws. I have said this before, and I will say it again: Changing the rules around music, noise requirements and the planning laws is one thing, but we should also be doing much more to support diverse, vibrant and safe communities. I note that the Government seems intent on supporting the bigger players; the music festival bill is a case in point. Music festivals will only get financial support under that reform package if they have more than 15,000 patrons.

We need to ensure that our streets are safer, more people-friendly and more attractive for going out. Our streets should be pedestrian and active-transport friendly. In many European cities, for example, people can walk the streets at all hours of the night and not be in danger of being hit by cars travelling through at 50 or 60 kilometres per hour. We should consider late-night and 24/7 transport options, and other things like accessible, clean, safe public toilets. There are many other measures that the Government should be putting in place along with those that are in the bill. Licensing and planning rules have been big issues and it is good to see some reform there, but other measures should also be considered.

Finally, it is frustrating that a number of bills are making substantial and complex reforms to various planning instruments and the Liquor Act et cetera without considered and thorough consultation with key stakeholders. Members in this place should be able to see those submissions and know that, for example, Local Government NSW and other stakeholders were consulted and able to offer feedback in an extensive, considered way on all the changes made by the bill before us. I know there has been general consultation around the vibrancy reforms, but I am unclear whether there has been more detailed and considered consultation on the effect of these changes.

Crossbench members consider every bill in detail; we also want to consider this bill in detail. It would be very helpful if the Government was more transparent about submissions. I made the same point during debate on the music festival legislation. Members would appreciate seeing the consultation and feedback from key stakeholders so that we can genuinely improve the bill. That was not possible in this case, which is concerning. Having said that, The Greens support the bill.

The Hon. CHRIS RATH (14:12): I contribute to debate on the 24-Hour Economy Legislation Amendment (Vibrancy Reforms) Bill 2024. I would like to wake up in a city that never sleeps; unfortunately, the nimbys will not let me. For too long, puritanical whingers have shut down live music venues in Sydney, to the absolute detriment of the people who live here. I find it funny that when the people who put in those complaints are asked about where they have been on holiday, they will sometimes say, "I went to great places like New York, London and Paris." Those are beautiful, liveable, walkable cities with great metros and a 24-hour economy—things that we have not properly had in Sydney.

This is a good bill. It stands up to the fun police in Sydney and builds on the Minister's work in a previous bill that he brought before the Parliament. The previous bill, which addressed the issues with trading hours at the Joey, was important. It was a way to draw a line in the sand and say that we will stand up to the people with delicate ears who complain about a little bit of noise coming from a restaurant which was separated from residents by a golf course. The Government was right to bring forward that legislation to draw a line in the sand and stand up to the whingers with delicate ears in Palm Beach. This bill builds on that legislation.

The bill strikes the right balance between responsible regulation and the freedom of businesses and communities to thrive, so that Sydney can become a little more like New York or London or Paris: cities with great live music options, where one can actually get a drink into the late hours of the night. Sydney is probably one of the worst cities in the world for those looking for late-night food options. I do not know if other members have had the same experience, but it is almost impossible to find something decent to eat after 9.00 p.m. in Sydney. I think that is atrocious. I do not know if it is only because of the noise complaints from nimby whingers, but Sydney has to be one of the worst cities for late-night dining. That is definitely not an issue faced by people in London or Paris or New York. I think the bill is a good sign of progress.

I note some of the recent complaints that this bill, previous bills and other work by the Minister will hopefully address in the future. The Old Fitzroy Hotel in Woolloomooloo had its outdoor dining hours of operation shortened by two hours, from 10.00 p.m. to 8.00 p.m., because of just two complaints from neighbours. That pub has been there for a very long time, and to shut down its late-night dining at 8.00 p.m. is an absolute disgrace, especially when the owner has a perfect compliance history. The City of Sydney claims to be a strong supporter of alfresco dining, but it shortened those hours of operation by two hours.

The Sydney Portugal Community Club in Marrickville has experienced similar problems because of the fun police. It is an awful situation, with residents letterbox-dropping around the neighbourhood in an attempt to shut down the venue. That venue is under the flight path in Marrickville. It is in an industrial area. It is between a freight line and a passenger train line, and the closest residents are more than 100 metres away. It is hard to believe that there are noise complaints about that particular venue, but that is the situation. The complaints were about times from 4.00 p.m. to 9.15 p.m. on a Friday. What delicate ears those neighbours have, more than 100 metres from the venue at 4.00 p.m. on a Friday! There are still children playing outside at that time.

The Hon. Rose Jackson: They complain about that too.

The Hon. CHRIS RATH: Yes. As the Hon. Rose Jackson says, maybe they complain about the noise of children on the playground, playing on swings. Some of the earliest complaints start from 4.00 p.m. on a Friday. Those people want to live in splendid isolation. If they want that, they should not live in Marrickville—especially not under a flight path and near a train line. The Great Club, also in Marrickville, is another casualty of those puritanical whingers. That particular club has been there for 72 years, since 1952, but it has been pushed to the brink of closure by unhappy neighbours over the space of two years. It is very sad that the club has essentially been shut down and the owner forced to pay \$30,000 in legal fees to protect the venue because of the fun police and noise complaints.

There is more work to do, but the bill is a step in the right direction. In the future, we will hopefully not have a repeat of situations like those with the Old Fitzroy Hotel, the Sydney Portugal Community Club and the Great Club in Marrickville. Often, the clubs were there first. I assure members that the Old Fitzroy Hotel is not a new pub. It has been there for a very long time. If people come to Woolloomooloo or Marrickville from another area and then have the absolute audacity to put in a noise complaint, one has to wonder why they would move there. Why would they move to thriving Woolloomooloo or Marrickville simply to put in a noise complaint and try to have those venues shut down? The Joey faced a similar situation, which has hopefully been addressed by the Minister's previous legislation.

The bill includes measures that establish special entertainment precincts, create special dispute resolution mechanisms, allow for improvement notices and amend major event regulations. Another very good thing that the bill proposes is to remove the five-kilometre sign-in requirement for clubs, which is an outdated relic of the past. It is a complete absurdity that people have to sign into clubs if they live within a five-kilometre radius of it. We have all experienced, or have friends who have experienced, waiting around like a shag on a rock in the foyer of a club for a member to come and sign us in because we live within a five-kilometre radius. It is an absolute absurdity.

Those outdated requirements go back 100 years, but thankfully this bill does something about it. It removes this requirement to try to improve the night-time economy. I think this is a good bill. Does it get everything right? Probably not. Is there a lot more to do? Of course there is. After years of lockdowns and lockouts, which I personally think were too heavy-handed, this bill helps to partly address some of the casualties of them. It makes things a bit more flexible, frees things up and reduces some of the red tape. It is not perfect. There is a lot more to do, but this is definitely a good start. I commend the bill to the House.

The Hon. JOHN RUDDICK (14:20): The Libertarian Party supports the Government's 24-Hour Economy Legislation Amendment (Vibrancy Reforms) Bill 2024. However, we can only offer two cheers for this legislation. We are hard taskmasters, so two cheers out of a maximum of three is an impressive feat. The Libertarian Party is proudly the deregulation party of Australia. Both major parties have presided over a steady increase in the amount of regulation, to the point where it is now impossible for anybody to know, let alone obey, the thousands of mandates, prohibitions and rules that govern every aspect of our lives. It is getting worse. In the 1980s we had Ministers for deregulation, and now we have Ministers for regulation. Most politicians and bureaucrats promote even more rules and regulations. The Libertarian Party stands alone as being radically pro-freedom, and therefore radically opposed to the regulatory state. However, if the Minister continues down this path, it is not impossible that the Libertarian Party could offer him an honorary membership at some point.

The Hon. Rod Roberts: Be careful what you wish for, John.

The Hon. JOHN RUDDICK: More reforms like this are good. Unfortunately, the Coalition was in power for 12 years when a lot of these bad things happened. We want to see massive deregulation across all aspects of society, including the night-time economy. We are not opposed to rules, but we want private property owners to set their own rules rather than the state. This place passes legislation that is enforced by the threat of violence, and this is what we want to remove. We want private property owners to be able to do whatever they want with their property. This legislation is about deregulation, and it has our support. This legislation will help the night-time economy by reducing the burden of government on live music venues and special events. It will give people more options and help to make our cities, including Sydney, more fun to visit and to live in. This last point is crucial.

Sydney should be one of the great cities of the world. Sadly, its natural beauty and impressive landmarks are not matched with a vibrant city life. It pales in comparison to New York, Buenos Aires, Rome and the other famed cities that never sleep. Tourists should be flocking to Sydney with excitement. A recent arrival confided in me that Sydney felt "overregulated, not fun and hard to recommend as a vacation destination". This guy spent half of his life in New York City and Los Angeles. He said that he went to the casino and was told that he had to wait 24 hours before he was allowed to play there. In his long litany of complaints he said, "This is the most beautiful city in the world, but it is dead." Government overregulation has drained some of the fun from our cities, and we need a sharp change in direction. The rot set in with former Premier Barry O'Farrell. I have enjoyed the contributions of the Hon. Chris Rath and the Hon. Jacqui Munro, but that is when the rot set in.

The Hon. Jacqui Munro: I campaigned against it.

The Hon. JOHN RUDDICK: Congratulations, I understand that is the case. It has all been downhill since then. When I first came to Sydney 30 years ago, North Sydney had a booming nightlife with six or seven nightclubs open until 4.00 a.m. Bondi and Kings Cross were the same.

Ms Sue Higginson: It was the 90s. It was like that everywhere.

The Hon. JOHN RUDDICK: That is right, including the CBD and The Rocks. They were all alive. I have proposed legislation that would legalise public drinking in parks and beaches. This would bring us into line with most of the developed world, which entrusts people with a bit more freedom, and it would help to make Sydney fun again. That is the sort of change that we need. The Government's current legislation is a step in the right direction. I will later move an amendment that will add another step in that direction by further deregulating clubs. We call on this House to not stop here but to continue deregulating in the name of freedom and fun.

The Hon. BOB NANVA (14:24): I speak in support of the Government's 24-Hour Economy Legislation Amendment (Vibrancy Reforms) Bill 2024. Our State has such a fantastic record of hosting large, iconic events. It is not hard to think of the 2000 Summer Olympics in Sydney, which are remembered so fondly by all who lived here at the time, not only for the event itself but also for the buzz it created around the city and the State. In many respects, it was the best example of our ability to go from a relaxed global city to one where everyone could enjoy a daytime experience that morphed into a relaxed, safe and enjoyable night-time experience with people heading for restaurants, bars, live shows or their local pub or club.

The Hon. Jacqui Munro: Or got married to princes.

The Hon. BOB NANVA: I accept the Hon. Jacqui Munro's interjection about one of Sydney's greatest exports. The Olympics showed that New South Wales, and Sydney in particular, can do this effectively. We cannot forget the incredible FIFA Women's World Cup, which lit up our town centres across the State. Major events are unforgettable moments for attendees and viewers, and they are also a big deal for businesses across the State that benefit from people who want to congregate, enjoy themselves, celebrate and spend money. The Major Events Act 2009 enables the Government to support the successful and streamlined delivery of events in the State. One way it does this is by allowing the State to provide a more favourable regulatory environment for events to operate in.

It should not be controversial that, when key events occur, a city like Sydney can relax the normal rules a little during the event period so that we can make the most of them and allow more people to engage in them and celebrate. Loosening up the regulations a little allows the State to economically and socially leverage key events that have been attracted to our cities. However, the Act is currently far too administratively burdensome to employ. It requires a large amount of detail be declared in a regulation to support an event. The timeline does not always work in practice for event organisers and partners, particularly when we are talking about events that are not at the scale of the Olympics or the FIFA Women's World Cup. The exact footprint for the event may not be known 12 months ahead of time. There are components that are commercial in confidence, and there may be slight tweaks to the dates, particularly if the event is an annual cultural festival.

Minor amendments to the Major Events Act will allow these details to be determined by a ministerial order closer to the date rather than by a regulation. This makes it easier to provide support for a small number of additional events. As the Minister said in his second reading speech, this is not a catch-all for every local street fair. However, a review of the NSW Visitor Economy Strategy 2030 made a clear recommendation to identify and support those recurring foundational events that are culturally significant and that often attract government investment. Those are the sorts of events that would benefit from these changes.

This bill strikes the right balance by maintaining parliamentary oversight for the declaration of the event but allowing a little more flexibility on the finer details. It is a good way for this Parliament to support the State by making the most of the events when they occur. The bill will also make it easier for people to gather in their communities, to watch and celebrate, even when the event is not occurring in their area. This is something that I am particularly supportive of. In Penrith, not too long ago, supporters congregated at a live site in the town centre to watch the mighty Penrith Panthers win yet another National Rugby League grand final. The event was put on by the council. There were people out and about, including families, enjoying the local cafes and restaurants and then sitting down to watch the game on the big screen. Those are the sorts of things that we should be encouraging in our town centres. That is something that this bill will allow us to do.

The bill will amend section 13 of the Liquor Act to broaden licence type eligibility for special event extended trading to include on-premises licences such as cafes and restaurants, as well as producer/wholesaler licences. That means a broader range of venues can take part in this initiative and, once again, our communities and businesses in town centres in metropolitan areas can make the most of special events in a way that suits them.

Whether that is by sitting in a restaurant with the family or heading to the pub with mates, everyone can benefit. I am proud to support this bill and to be part of a government that has been so committed to bringing communities together for entertainment, culture, festivals and events. I am particularly proud that this Government is looking to leverage even more special events for social and economic purposes, because it is so important that people build connections and make fond memories. I commend the bill to the House.

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) (14:31): In reply: I thank all members who contributed to what has been, once again, a very good debate on the 24-Hour Economy Legislation Amendment (Vibrancy Reforms) Bill 2024. Some of the issues have been canvassed in the House on a number of occasions. I acknowledge a couple of things about the bill. Firstly, it is a work in progress. The Government makes no bones about that. We will come back, ahead of summer, to make further changes. The bill builds on the changes that we have made in the past, working together. There will be further work to do. How could there not be? Is all the work done by this bill? I could not honestly say that it is. The Government signals strongly that there is administrative work to do, there is work that the Executive side of Government needs to do and there will be further legislative work to do as we sort through the complex issues. I thank members for their contributions to this debate.

Secondly, the Government acknowledges that the bill represents the collective work of a range of House committees, Ministers and members of Parliament across a number of governments. That is as it should be. It is one of the reasons why this agenda has been successful. Thirdly, I take seriously members' comments around consultation, particularly those of Ms Cate Faehrmann about the need to be as transparent as possible. I signal, though, that because this is a work in progress, each of those engagements is building on the others. Certainly, as Minister, I have listened carefully to the contributions made. While all of the issues will not be dealt with in this bill, the Government is very open to the direction that members have signalled. Their comments will influence the further changes that the Government looks to make.

I turn now to some of the specific matters raised. I acknowledge all of the members who contributed to the debate: the Hon. Jacqui Munro, Ms Cate Faehrmann, the Hon. Chris Rath, the Hon. John Ruddick and the Hon. Bob Nanva. I welcome the Hon. Jacqui Munro's contribution, leading for the Opposition on this matter. It was consistent with her longstanding activism in this area, and she was right to highlight the actions of the Coalition in this space. As I said, this is work we have done together. Noting the member's contribution, I put two specific changes in context. First, the Hon. Jacqui Munro was right to signal that the special entertainment precinct changes were first adopted by Ministers of the previous Government. I recognise those former Ministers, the Hon. Anthony Roberts and the Hon. Kevin Anderson, for the work they did. Of course, it was the former Labor Opposition who introduced the changes, in this place, to a bill that allowed those special entertainment precincts. I acknowledge the leading role of the Inner West Council in pushing for the Emerald Road Precinct. We are on the verge of rolling out those entertainment precincts more broadly across the State. That is exciting.

Second, I recap the status of "no entertainment" clauses. The House has acted on them previously. Previous changes—again, Labor amendments to a Coalition bill—removed them from liquor licences and allowed a process to take place for development applications. Former Minister the Hon. Victor Dominello allowed those amendments to that bill, which led to hundreds of changes to liquor licences, removing what I broadly characterise as "no entertainment" provisions. What we have not done, though, is take them out of development applications. We have not taken them out of consents. We do that with this bill. It is very much a work in progress. There was a process, but it has not been used; it is too complex, too hard. Venues worry that if they make an application to remove a "no entertainment" clause or a clause that says they have to play a certain type of music—for example, they have to play disco music, they cannot play rock music, or they have to play jazz music—the council will make other changes to their trading hours or the other conditions that their venue operates under.

That is why the Government is taking this action today. It builds on what we have done. That previous change, backed by all members of the House, went very smoothly. Hundreds of conditions came off liquor licences without causing issues in the community. I expect this will be similar. But the Government will watch this change closely and monitor it as it happens to make sure that is the case. If there are issues, the Government has indicated, particularly to Local Government NSW, that it is open to addressing them directly, including through the liquor licence system. The previous change happened very smoothly.

In relation to some of the other issues raised, I will speak particularly to the issue of improvement notices being used in the vicinity of licensed premises. These are sensible changes. I talked about them in my second reading speech. I do not want members to feel that improvement notices are increasing powers or penalties. They are very much continuing the change from the former abatement notices towards an improvement notice regime. That is what is being allowed here. We are just tweaking the law to make that the case. It should operate to give regulators more flexibility to work in a way that is consistent with what venues need. But, again, the changes will

be monitored closely and, given the comments made by members, the Government is open to acting again if they do not operate as expected.

Issues were raised, principally by Ms Cate Faehrmann and the Hon. Jacqui Munro, in relation to mediation. The Government will spell out further details about the mediation power. I signal a couple of things, though. This is very much about formalising the process, which has happened informally to date, of homing in on music venues that are in trouble, getting support to them and raising community concerns. The bill gives the Government more tools to do that. Significant help is available to those venues now that was never available before. It is not just Sound NSW or the 24-Hour Economy Commissioner that are able to help, or the Liquor and Gaming NSW Hospitality Concierge, which is very well regarded and doing a great job, but also the Service NSW Business Bureau.

All these elements of government are there to help now, but they need coordination and a focus. These changes will assist that to happen. I indicate to members that I do not anticipate using formal mediation powers very often. The Government wants to use them as infrequently as possible. However, they provide real power to intervene, draw attention to a venue, and ask government agencies, councils and communities to focus on it, and make sure we save that venue and do not lose more music venues. Members know that this will apply to music venues, but it makes formal what has been an informal process in the past of working to save venues.

Members asked about the definition of "significant venues". I make two points: Firstly, as a Government we will be greatly informed by the expert view of Sound NSW in spelling out which venues are significant; secondly, we have far better information than ever before. The Government has done a census and we know where the music venues of the State are. We know where the 55 key, primary, dedicated music venues are that provide the backbone of the State's music industry. When the Government first started in this area, there was no distinction between the then 17,000 and now 18,000 licensed venues that played music. As a Parliament, we have made changes to the law to catalogue those that did play music and offered them incentives, which for the first time gave us an idea of that. But now, after the census, we have a much better idea of what those venues are. That provides a good evidence base to intervene for the State's significant music venues, based on expert advice from Sound NSW.

Members drew attention to the major events clause and I make it clear that this is new. The Government is not looking to replicate or particularly change what will happen if we are lucky enough to have the Olympics again, but we will deal with that in the traditional way. This is really about setting up a new lighter touch category of events to assist in the regulation of foundation events for the city and key dates in the State's calendar. The Government wants to support them with not only taxpayer money, as this Government is doing and as the former Government did, but also a regulatory regime. The bill will allow this change to occur, but it is about a new category of events that the Government is driving through the State's tourism policy. As a result, it is not anticipated to have taxpayer impacts. This bill will not particularly change who is paying. The States may provide assistance for these events, and an organiser or philanthropic organisation may provide assistance. Those things will not particularly change, but the clause is about giving the Government more regulatory tools to support events.

I acknowledge that this legislation is a change that the clubs wanted, but there is a much broader clubs' agenda and it is right to raise that issue. The Government is not seeking to deal with that in this bill. I note the comments in particular from Ms Cate Faehrmann about noise. The Government is not seeking to address everything with changes in the bill, but since 1 July, when Liquor & Gaming became the lead regulator for noise from venues, having come out of the pack of six other regulators who all had involvement in regulating noise, that matter is improving. In response to a brief but important point, the Government has no preference for bigger players. The precinct-based approach that the Government is driving is very much about the ecosystem of venues. This is an agenda to bring neighbourhoods to life, not to favour particular venues or larger venues. If this whole agenda really works, the Government will support venues in general.

I thank Ms Cate Faehrmann for her comments. To date, she has played a real role leading in this debate and I hope that continues for a long time. I welcome the contribution of Hon. Chris Rath to the discussion. His call for freedom was very welcome, but I particularly welcome his specific examples. They are all great examples of what is occurring at street level—and what a roll call. The Old Fitz is being asked to close at 8.00 p.m. after having given so much joy over so many years; the Sydney Portugal Community Club has been in trouble at 4.00 p.m. on a Friday; the Great Club is now closed altogether; and The Joey is in trouble at 4.30 p.m., well before the sun drops under the horizon at Palm Beach. That is part of the problem and that is why we have to address these issues. I thank the Hon. Chris Rath for bringing those specific examples to the House. I assure him that the Government is open to any suggestions about how to continue supporting such venues and has more ideas of its own about how to tackle this problem.

The Hon. John Ruddick, a tough taskmaster, gave the Government two out of three cheers and I am very happy with that. When he became a member of this House, I had hoped to attract the attention of the Hon. John

Ruddick with this night-time economy and music agenda. I am pleased that it has done so, but the possibility that it might attract his attention to the extent of honorary membership is both alarming and intriguing. I emphasise that this Government has a deregulatory agenda. I say that as a Labor Minister in a Labor Government. I also say it as a believer in an active Government. I know how important it is in shaping the lives of its citizens, but we can have too many rules. In this area, we have had too many rules, or rules that have not been tested. The rules have not been given a commonsense test, which is why this is unashamedly a deregulatory agenda. As members, we should question whether each of the current rules should have been applied. I thank the Hon. John Ruddick for his support for the bill and for the two principles he stated: freedom and fun.

Finally, the Hon. Bob Nanva gave a good summary of the Government's position. Most of all, I single out his local example from his community of the Panthers event. I could not better summarise the Government's agenda than saying that it is about community. This legislation is about getting families, friends and community together. Every time I make that easier, we strengthen our society and our State. Every time I make it harder, we test and strain those bonds. That is why it is so important to continue to make changes. There will be further changes. This is one of the most complex areas of law that this Chamber deals with. It is highly tailored to individual circumstances of venues or neighbourhoods, which is appropriate, but that also means the Government has to ensure that each rule as it is administered on the ground is working. That is the spirit in which the Government has introduced this bill. It is the spirit in which other members have contributed to the debate, and I thank them for that. I commend the bill to the House.

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

Motion agreed to.

In Committee

The CHAIR (The Hon. Rod Roberts): There being no objection, the Committee will deal with the bill as a whole. There are two sheets of amendments, The Greens amendments Nos 1 to 3 on sheet c2024-208A and the Libertarian Party amendments Nos 1 to 3 on sheet c2024-211A.

Ms CATE FAEHRMANN (14:50): By leave: I move The Greens amendments Nos 1 to 3 on sheet c2024-208A in globo:

No. 1 Premier to consult about cancellation or variation of order—Major Events Act 2009

Page 13, Schedule 4[5], proposed section 4C(3), lines 27 and 28. Omit all words on the lines. Insert instead—

- (3) The Premier must consult with the following persons before taking action under subsection (2)(b)—
 - (a) the Minister,
 - (b) the promoter.

No. 2 Removal of certain conditions of development consent for licensed premises—Environmental Planning and Assessment Act 1979

Page 18, Schedule 5.1, proposed clause 1A(1), line 21. Omit "performers.". Insert instead—

- performers,
- (h) the movement or gathering of people outside the licensed premises, including, for example—
 - (i) the number of people in a queue, and
 - (ii) time limits on pass outs, and
 - (iii) the direction in which people must leave the premises.

No. 3 Removal of certain conditions of development consent for licensed premises—Environmental Planning and Assessment Act 1979

Page 18, Schedule 5.1, proposed clause 1A(2), line 24. Omit "(g)". Insert instead "(h)".

I will deal with amendment No. 1 first because Nos 2 and 3 work together. I am moving the amendments in globo because unfortunately I have an indication that the Government and the Opposition will not support any of them. I say from the outset that it does appear that with vibrancy reforms in this State, the Government is in lockstep with the Coalition, like it is with law and order reforms, so the government of the day can bring anything to this Chamber because everybody is petrified of potentially being viewed as nimbys and as wanting planning reform or changes that give communities a voice. Of course the Government should remove the archaic restrictions that have been in place in this State for some time, and were not just as a result of lockout laws, but it is really important that it is done in a considered way. If there are concerns, we should have the courage to move amendments and

vote for those amendments. We should have the courage to withstand the pressure that is being placed by various sections of the media to support changes to our planning laws at any cost. I think that is a concern.

The first amendment is the one I spoke about in my contribution to the second reading debate. It essentially constrains the Premier if the Premier chooses to cancel a variation of an order under the Major Events Act. The Minister has not specified exactly what would be classified as a major event so I can understand the confusion. If the Minister declares an event a major event—if not the World Cup, then the Byron Bay Bluesfest—but the Premier for whatever reason gets a bit grumpy with Peter Noble and chooses to cancel the festival's classification as a major event, then surely in the public interest the Premier should consult with the promoter and the Minister about that. It is a very sensible reform. The Hon. Jacqui Munro indicated in her contribution that she also holds that concern about that power given to the Premier, but I am not sure whether that is the formal position of the Opposition. That is the first amendment, very sensible and nothing radical.

I am concerned that I am going to spend all my time in this place over the next few years, like I have with this bill and the music festivals bill, talking to stakeholders and thinking about how to improve bills while not being absolutely ridiculous on amendments. However, that seems in vain because the Minister brings forward only those bills that he knows the Opposition is too scared, with respect, to oppose because it fears the backlash in certain sections of the media that label the Opposition as nimbys should it dare want a few checks and balances on a bill. It is a sorry state of affairs, similar its response to law and order reforms. When anything such as anti-protest laws is brought before this place, the Opposition just falls into line with the Government.

Amendments Nos 2 and 3 relate to the conversations that I have had with some venues, particularly Club 77, which I have raised a number of times in this place. The situation with Club 77 has also been mentioned in the media. I met with Club 77 and brought those issues here without the headlines and the media responded to some of the discussions in this place. The bill before us today deals with the noise and various restrictive development consent conditions such as genre of music, mirror balls and performers, which has been outlined well in the second reading debate. Other licence conditions are making it quite difficult for venues and allow police particularly to unduly harass—I will use the word "harass"—venues.

Some licence conditions imposed upon Club 77 are ridiculous and members can be absolutely sure that many other venues in Sydney, and perhaps other parts of the State, are subject to similar conditions. For example, after 2.00 a.m. the queue outside Club 77 can have a maximum of 20 people in it. If there are 20 people and two people rock up at 2.15 a.m., I suppose the security guards have to tell them to get out of the queue. That is on William Street. Other examples are that people queuing can be only two abreast and if there are pass-outs provided, people can be outside for only 10 minutes and a maximum of only 20 people can be outside at a time. I think that would be the case for a lot of venues.

When we talk about vibrancy reforms we often talk about other cities. I have recently returned from a trip to Italy because my 85-year-old mother-in-law had a sculpture in the Venice Biennale. It was a wonderful and very proud family moment. We also went to Rome and Bologna. I was not in a club at 3.00 a.m. so I would not know but—

The Hon. Jacqui Munro: Sure, sure!

Ms CATE FAEHRMANN: I wish I was, to be honest, but I was not. I tell you what: I am assuming that Bologna clubs, with all those university students, are not issuing passes to people and counting people as they walk out of the clubs. They are not saying, "Sorry, 20 people are outside with a pass but you are the twenty-first so you will have to stay in here until someone comes back." Amendments Nos 2 and 3 seek to remove other conditions of development consent for licensed premises, including the movement or gathering of people outside the licensed premises such as the number of people in a queue, time limits on pass-outs and the direction in which people must leave the premises. One of the conditions on people leaving Club 77 is that they have to go in the direction of Crown Street, for goodness sake. There have to be three security guards policing the queue, with one at the end telling people which direction they have to travel in. We wonder why venues are shutting down and why owners are finding it so frustrating and expensive to operate a business in this city. I have had discussions about that with the Minister's office. I know that the Government does not support the amendments to deal with the issue, but that really is the next stage.

There is a third tranche of vibrancy reforms to come. I hope that it is addressed in the Minister's speech to the amendments. How far does it stretch in terms of those ridiculous conditions? What else do clubs and pubs have to deal with? I again note that there is a proposed section within the bill that provides for police or the secretary to issue an improvement notice if a venue is emitting noise, including from people outside who have just attended the venue. That deals with people who are in a queue. Police already have the power to manage crowds. They already have a lot of power. It would be fantastic if the amendments were supported. Club 77 is just one example. It has had to shut down its Sunday event. The owner is completely stressed out about the harassment

by the police about the ridiculous licence conditions. The conditions specified in the amendments are the tip of the iceberg when it comes to the ridiculous conditions that venues have to deal with. I commend the amendments to the Committee.

The Hon. JOHN GRAHAM: I move:

That the Chair do now leave the chair, report progress and seek leave to sit again at a later hour of the sitting.

Motion agreed to.

Adoption of Report

The Hon. JOHN GRAHAM: I move:

That the report be adopted.

Motion agreed to.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): According to sessional order, further consideration of the bill is set down as an order of the day for a later hour of the sitting.

I shall now leave the chair. The House will resume at 4.00 p.m.

Committees

REGULATION COMMITTEE

Reports

The Hon. NATASHA MACLAREN-JONES: I table a report of the Regulation Committee entitled *Delegated Legislation Monitor No. 12 of 2024*, dated 22 October 2024.

The PRESIDENT: It being 4.00 p.m., according to resolution of the House of Thursday 17 October 2024, proceedings are interrupted for debate on committee reports and Government responses.

PORTFOLIO COMMITTEE NO. 3 - EDUCATION

Reports

Debate resumed from 15 October 2024.

Ms ABIGAIL BOYD (16:02): In reply: I sincerely thank all members who took the time to contribute to debate on the report entitled *Children and young people with disability in New South Wales educational settings*. I profusely thanked all of my fellow committee members when I spoke to the report, but I now also thank the Hon. Sarah Mitchell, the Hon. Anthony D'Adam and the Hon. Tania Mihailuk, who made substantial contributions to the debate. I pick up on a couple of their comments. The Hon. Anthony D'Adam raised an issue that deserves attention that I did not speak to when I introduced the report about positive behaviour learning versus a trauma-informed approach to so-called problematic behaviour, or children who are in need of additional support, particularly in relation to a site visit to Ajuga School.

I share the honourable member's concern about the way that the teachers and representatives of the school were shepherded around by the directors of educational leadership. I found that quite weird. There are not enough places at Ajuga School. We did not get a very clear answer as to what the waiting list was, but it was very clear that it is quite large. As I mentioned in my original contribution, a number of members raised concerns about the lack of physical accessibility at the site, as well as the additional trauma imposed on First Nations students who attend, given the history of that place. That brings to light the tension between preserving the heritage of a building and acknowledging that, if we are going to use it as a safe place for children who are suffering from trauma, we should potentially look at other sites.

I acknowledge that people at the school told us they were very happy with the site because it is on a great property with lots of outdoor and green space. That is absolutely a bonus and a pro for that particular site. However, I do not think it can get past its limitations, particularly around physical accessibility. It is not good enough for a public school in New South Wales in 2024. I underline the recommendation that there should be more places for children who have been through a really hard time and are looking for respite and for somewhere that they can go to be safe. For some people, it is really special to have such a place available. The whole school is designed around healing and getting those children back on their feet. Some of them complete the HSC at Ajuga. A lot of them go back into mainstream settings, and that process is so valuable. To think that it is not available to everybody who needs it is a bit heartbreaking.

Being able to deal with the root trauma at the heart of a lot of those children's behaviours would also relieve schools that do not necessarily have the same resources from having to try to provide that healing space, when

they simply cannot do so in a mainstream setting. Ajuga School was one example. The other example that the Hon. Anthony D'Adam brought up was the evidence that many people in the deaf community would prefer to have a separate school where everything is designed around them. Those two examples of special-purpose schools outside of the mainstream were really interesting and challenging for those of us who are absolutely in favour of inclusive education. Personally, I see those spaces as offering a different type of inclusive education because they are designed with the child at heart, and getting what is best for the child, as opposed to a segregated system where some people are put in the too-hard basket.

The other point I raise is in relation to the comments from the Hon. Sarah Mitchell and the Hon. Tania Mihailuk about the Anti-Discrimination Act recommendations. The Opposition wrote a dissenting report about just one of those recommendations, and the Hon. Tania Mihailuk objected to both of the recommendations. Importantly, both members talked about it not being part of the original terms of reference of the inquiry. Those dissenting reports raised the argument that people in a private setting being free from prejudice based on their disability was somehow outside the terms of reference of the inquiry. We received a lot of submissions that dealt with it, and a number of terms of reference also include the concept—for example, paragraph (i), which is "the measures necessary to ensure the learning environment is safe and inclusive for all students, teachers and school support staff".

A number of people submitting to the inquiry read that and said, "The fact that private or non-government schools are exempt from needing to treat people with disability without discrimination is a problem. It is an obstacle, and getting rid of that is a measure necessary to ensure a safe learning environment." That obviously flows, and we saw that in the submissions that dealt with it. Similarly, paragraph (p) in the terms of reference refers to "measures to implement the disability royal commission's recommendations in relation to inclusive education", which, again, included both recommendations that were the subject of some small dissent.

I put that on the record. No-one was ambushed. There was certainly no scheme, as it was called at one point in the dissenting statement, to wage some sort of culture war. It would be easy if we could just say that there is no impact from the fact that private schools can discriminate against a person simply because they have disability, but it is not the case. It is not what the evidence brought up. It is, by its very nature, vital for us to reform that if we are to have a truly safe and inclusive education for all students. I commend the report to the House.

The PRESIDENT: The question is that the House take note of the report.

Motion agreed to.

PORTFOLIO COMMITTEE NO. 6 - TRANSPORT AND THE ARTS

Reports

Debate resumed from 6 August 2024.

Ms CATE FAEHRMANN (16:11): As Chair of Portfolio Committee No. 6 - Transport and the Arts, I contribute to debate on its report entitled *Impact of the Rozelle Interchange*. The inquiry examined the planning, design and development of the Rozelle interchange project and its impact on traffic flow, including the prioritisation of traffic from toll roads, including WestConnex, over local traffic. The committee also looked at a range of other issues, including the social, environmental and economic impacts of the Rozelle interchange project on communities. The committee held four hearings at Parliament House. Committee members also undertook a site visit to the Traffic Management Centre, as well as two short field trips in a van through impacted streets. I take this opportunity to thank the staff at the Traffic Management Centre and the Minister for facilitating that visit. I also thank the staff for briefing us that morning and showing us their operations.

The WestConnex project, including the Rozelle interchange, is a product of the former Coalition Government's obsession with privatising existing public assets and infrastructure projects, and future projects. I will give a quick history of WestConnex. It was recommended by Infrastructure NSW in 2012 and endorsed by the O'Farrell Government in its State Infrastructure Strategy 2012-2032. Since then, the design and scope of stage three of the WestConnex project has changed significantly. The 2013 design was to be completed over three stages: stage one, which was the M4 widening from Parramatta to Homebush, the M4 East and a new tunnel from Homebush to Haberfield; stage two, the M5 widening from Beverly Hills to Bexley North, the M5 East and a new tunnel from Bexley to St Peters, and a six-lane airport link; and, stage three, an 8½-kilometre tunnel between the new M4 East and M5 East between Haberfield and St Peters.

It was pitched by the Government at the time that one of the objectives of the WestConnex program was to revitalise the Parramatta Road corridor. The community was promised it would be built under stage three of the 2013 design by extending the tunnelled route from Haberfield to St Peters, reintroducing traffic to Parramatta

Road near Camperdown. It was not; it did not happen. In November 2015 the *WestConnex Updated Strategic Business Case* was published, which included changes to stage three of WestConnex and marked the genesis of the Rozelle interchange. One of the key changes involved the realignment of the M4 to M5 link tunnel, via a northern extension that would become known as the Rozelle interchange, to provide direct connection to the Anzac Bridge and Victoria Road. Under the proposed 2015 design, the Rozelle interchange was predominantly above ground.

Then in August 2017 Roads and Maritime Services publicly exhibited the M4-M5 environmental impact statement, which outlined further changes to stage three of WestConnex, including design changes to the Rozelle interchange. Four substantial changes were made: undergrounding of the Rozelle interchange, introducing the Iron Cove Link, removing the Camperdown interchange and increasing the M4-M5 link from three to four lanes in each direction. We were told in the inquiry, according to the New South Wales Government, that changes to the design and delivery of the Rozelle interchange were influenced by broader planning objectives and feedback from the community. They said that included a major community engagement program, which took place in July and August 2016.

However, evidence to the inquiry suggested a very different motive as to how the final design decisions were made. The last submission the inquiry received was from former CEO of the Roads and Traffic Authority [RTA] Paul Forward; former principal of Evans and Peck Consulting Stuart McCreery; former head of Traffic and Transport at the RTA Chris Ford, who also established the Transport Management Centre at the RTA; and former Chief Executive of the Sydney Metro Authority Les Wielinga, who established Transport for NSW. Their credentials are important because it is highly unusual for former public servants and consultants to submit to an inquiry as a group in that way. They were clearly incredibly frustrated at what they saw occur after the opening of the Rozelle interchange and what they predicted well before the Rozelle interchange was even constructed. That includes the congestion, rat-running, anger and frustration experienced by local residents, local businesses and commuters, and their demands for answers about who was responsible and how the hell something like this got approved.

Let us look at some of the information contained in the submission of the former senior transport officials and consultants, because it was incredibly enlightening. In 2011 Infrastructure NSW was established and commissioned Evans and Peck to produce a paper advising on the next motorway for Sydney for inclusion in the State Infrastructure Strategy. It was called WestConnex. Sydney's next motorway priority was born and that was the beginning of WestConnex. Assumptions made at the time were that, as I said, those M4 East extensions should connect the western suburbs to Sydney Airport and Port Botany, the M5 should be extended eastward and connect with the ports, and the extended M4 and M5 should connect and allow options for access into the urban fabric. The M4 and M5 link should act as an inner west bypass to the CBD.

They stated in their submission that connection to the CBD over the Anzac Bridge was not contemplated. It was already running at full capacity in the morning peak and was considered a major constraint to any future motorway design. So why was the Rozelle interchange built? Their evidence was that the motivation to set up WestConnex in that way was to maximise the sale of WestConnex to the private sector. They explained:

WestConnex represents a different approach where the Government takes the traffic, construction and financial risk and manages the process through a separate single asset entity (Sydney Motorway Corporation). After which time the Government hopes to cover its costs by selling the motorway to the highest bidder. Treasury were motivated to obtain the maximum price for WestConnex and to minimize its cost.

As the committee undertook its work, it was incredibly frustrating to realise the scale of the lack of accountability and transparency within government for the decisions made regarding the Rozelle interchange and why. That was evident throughout the various design phases of the Rozelle interchange project. In particular, who was ultimately responsible for that decision?

The 2021 Auditor-General's report *WestConnex: changes since 2014* made a number of findings, including that there was a lack of public transparency on the total cost and benefits of the WestConnex project, leading the committee to recommend that the New South Wales Government implement all of the recommendations from the Auditor-General's 2021 report. The evidence presented throughout this inquiry also called into question the suitability and effectiveness of government consultation processes, specifically those used for large infrastructure projects. Frustrated residents, community representatives and businesses were critical of the lack of information provided throughout the Rozelle interchange project, including its construction and opening, and described consultation as inadequate and dismissive, particularly around the construction phase.

Another significant area of concern was, of course, the opening of the Rozelle interchange, with increased traffic congestion, rat running, the unsuitable and at times unusable active transport options, negative impacts on local business and increased road safety risks. Ultimately, the committee put forward some good solutions and

recommendations that I urge the Government to adopt, including the need to prioritise public and active transport options and ensure meaningful and transparent community engagement.

I will speak to some of those recommendations. The broader WestConnex project includes three unfiltered exhaust stacks at the Rozelle Parklands and an unfiltered exhaust stack at the Iron Cove Bridge. Witnesses raised concerns about air quality from those unfiltered stacks and from the general increase in traffic throughout the area. Recommendation 11 of the report was that the New South Wales Environment Protection Authority work with the local community to install air-quality monitors that provide accessible and real-time information to the public at appropriate locations to monitor particulates from the exhaust stacks and increased traffic from the Rozelle interchange.

Recommendation 12 was that Transport for NSW address concerns regarding pedestrian safety along Victoria Road by installing more and safer pedestrian crossings, including pedestrian overpasses. We heard evidence, including from the member for Balmain, Kobi Shetty, that since the opening of the Rozelle interchange pedestrians have had to walk a couple of hundred metres up the road to cross the street, and people are running across six lanes of traffic because the crossing has been taken away. Putting those big motorways in place and reducing the ability of the community to cross from one part of the suburb to another is not good enough, particularly when the community was promised so much that was not delivered throughout the approvals process.

The committee received damning evidence on active transport, especially because much of what the community was promised in relation to active transport infrastructure was just not delivered. That included separated cycleways along Victoria Road from City West Link to the Iron Cove Bridge as well as along the full length of Lilyfield Road from Victoria Road to the northern end of GreenWay and the Bay Run. Inner West Bicycle Coalition collated pictures of the problems with the active transport infrastructure provision for committee members, including one that showed no protection from vehicles that might mount the curb. Another showed that the Victoria Road shared path east of Terry Street still has totally inadequate room to accommodate cyclists and bus patrons. Another showed that Victoria Road has a shared path at the Darling Street, Rozelle bus stop, which is way too narrow, including allowing only a one-way cycle traffic, which is just ridiculous. Another showed that the newly constructed shared path adjacent to James Craig Road is narrow and is not complying with Austroads specifications, noting that the adjacent motor traffic lanes are five metres wide. There were many others.

In response to criticism from active transport advocates and cyclists, John Holland and CPB Contractors advised the committee that, at all times, the joint venture attempted to find solutions to the concerns along and around the site, particularly throughout the delivery of the project. That is not what the committee heard from the stakeholders. Another recommendation in relation to active transport, recommendation 4, was that Transport for NSW ensure that the existing active transport links along Lilyfield Road and Victoria Road meet the needs of active transport users, particularly cyclists, by addressing any gaps and concerns raised by active transport advocates, including delivering safe, separated cycleways for those routes. Again, it would be interesting to see if any of that has taken place yet.

Recommendation 13 was that Transport for NSW work with cycling advocates to undertake an urgent safety and usability assessment of cycling infrastructure in areas impacted by the Rozelle interchange, including Victoria Road, Lilyfield Road and surrounding local streets, and commit to a plan to improve and upgrade that cycling infrastructure to best standard. Recommendation 15 was that the New South Wales Government ensure that all future road-based projects prioritise the inclusion of safe and accessible active transport infrastructure. That is just not happening in this State. This road project was an opportunity, as the community was promised, to put world-class active transport and cycling infrastructure in place. Instead, the Rozelle interchange actually made things worse than what was there in the first place. Again, that is completely unacceptable given the scale of spending involved and the disruption to the local communities. Recommendation 2 of the report says that the New South Wales Government reject any further privatisation of the State's roads and any major new road-based infrastructure projects that do not align with government strategy and are not in the public interest.

In considering who was responsible for the final design decision for the Rozelle interchange, Mr Paul Forward and Mr Stuart McCreery told the committee, when asked, that they believed that Sydney Motorway Corporation had ownership of the Rozelle interchange design, but it was extremely difficult even for an upper House inquiry to get the answers from within government and from other people who worked on the project. I acknowledge that this was a consensus report, in the main, even though the Opposition was not happy with some of the findings. That is understandable because the Opposition was pretty much the driver of the whole sordid WestConnex process, including the privatisation and building of those motorways.

I sincerely hope that the recommendations in the report go some way towards ensuring that the Rozelle interchange's unacceptable impacts on local communities are ameliorated. It is important to recognise that we heard some evidence from communities who are fearful of the impacts of the Western Harbour Tunnel when that opens, and there was a recommendation for the Government to pay heed to the evidence of this inquiry in regard

to that as well. In fact, I do not think it was a recommendation; it was in the committee comments, ultimately. Finally, I thank everyone who participated in the inquiry. Everybody worked well together, from the Minister's involvement to the hard-working secretariat who, as always, did an incredible job with the report, and Hansard. I commend the report to the House.

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

Motion agreed to.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. CAMERON MURPHY: On behalf of the Hon. Jeremy Buckingham: I postpone committee reports and Government responses order of the day No. 3 until the next sitting day.

Committees

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

Reports

Debate resumed from 15 August 2024.

The Hon. CAMERON MURPHY (16:27): I contribute to debate on the report entitled *2023 review of annual and other reports of oversight agencies*. It is an important report that covers eight agencies in New South Wales, including the NSW Ombudsman, the Child Death Review Team, the Law Enforcement Conduct Commission [LECC], the Inspector of the Law Enforcement Conduct Commission, the NSW Crime Commission, the Inspector of Custodial Services, the Information and Privacy Commission and the Public Service Commission. Those vital oversight agencies perform an enormous function in our State of overseeing other agencies that wield enormous power. They are integral to the public having confidence that the agencies of New South Wales are doing the right thing at all times.

The sole formal recommendation of this report is that the New South Wales Government, as a matter of priority, nominate a national preventative mechanism in line with the Optional Protocol to the Convention against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment [OPCAT]. The State has not yet nominated the national preventative mechanism, and the agencies called on the committee to report that and ask the Government to do so. That is a continuing recommendation from previous iterations of the report. Australia ratified the OPCAT, an international human rights treaty, in 2017. It is the responsibility of each of the States and Territories to implement it through the nomination of the national preventative mechanisms, which are responsible for inspecting places of detention and examining relevant legislation to ensure compliance.

In addition to that formal recommendation, the report made a number of findings about the performance and conduct of the agencies. I highlight several of those findings that are of significance. The Law Enforcement Conduct Commission faces obstacles to effectively monitoring critical incidents, including participating in critical incident interviews and obtaining documents from the NSW Police Force. That slows down the LECC's investigations, suggesting the need for a more efficient process for the LECC to gather the critical information it needs to perform its function.

Members of the NSW Police Force have declined consent for the LECC to attend interviews with officers involved in critical incidents. The Chief Commissioner of the LECC, Peter Johnson, SC, told the committee that, to date, all NSW Police Force interviewees have declined consent for the LECC to be present at their interviews. While interviewees do not need to provide a reason for refusal, the LECC has been told the refusal is based on legal advice from the Police Association of New South Wales. There is an inherent problem with that process. While the LECC can obtain a transcript of the interview and ultimately get the information required to perform its important oversight function, delays in overseeing a critical incident can mean that the LECC is slowed down in the oversight process, and it makes it more difficult for the agency to do the job it is designed to do.

The NSW Police Force has also refused to supply documents related to critical investigations on the grounds of public interest immunity. Chief Commissioner Johnson informed the committee that, since September 2023, the NSW Police Force has refused to provide the LECC with certain materials on the basis of public interest immunity—including, in some cases, the critical incident interview transcripts. The chief commissioner flagged that it might be prudent to amend the Law Enforcement Conduct Commission Act to make clear the LECC's right to obtain police documents. I understand that there has been some progress on both matters since the review of the annual reports. There was an action in the Supreme Court and the Court of Appeal, and I understand there is some level of agreement between the LECC and the NSW Police Force that may act to facilitate the provision of

the desired information. The committee is acutely cognisant of that action and will follow it with interest to ensure that the LECC has sufficient power to perform its oversight function appropriately.

Another area of note is the work of the Inspector of Custodial Services [ICS]. The inspection standards for Aboriginal people in custody will soon be published. In its third finding, the committee report notes that the ICS could provide more comprehensive information about the steps taken by Corrective Services NSW and Youth Justice NSW in implementing the ICS's recommendations. A number of recommendations made to Corrective Services NSW, Youth Justice NSW and the Forensic Mental Health Network have yet to be fully implemented. Between 2013 and 2023, the inspector made 45 recommendations across 14 reports relating to the treatment of Aboriginal people while in custody. Of those, only 12 recommendations, or 26.7 per cent of the total, have been achieved, while 25 recommendations, or 33.6 per cent, have been partially achieved. Four recommendations, or 8.9 per cent, have not been achieved, and another four of the recommendations were not supported by government. I bring that to the attention of the House.

During the review, both the Ombudsman and the Law Enforcement Conduct Commission invited members of the committee to two of their offices in Sydney in order to see what they do in practice and to meet the wonderful individuals who work for those agencies. Committee members had the opportunity to meet the teams to talk to them directly about the challenges they face and to find out about the issues they confront each day in their oversight work. Subsequent to the review of the annual reports, the committee took up the offer of a wonderful tour of the LECC premises in Elizabeth Street. If other members ever have that opportunity, I urge them to take it up. It is quite an incredible set-up. On the premises there are cells for witnesses who may be needed to give evidence in inquiries. There is an extensive operation to conduct surveillance and an even bigger operation to comply with the oversight of the warrants involved in that surveillance.

I was fascinated to see how many other agencies use the LECC for surveillance work such as telephone intercepts and physical surveillance, purely because of its expertise in that area. It is the agency that most other oversight agencies in New South Wales—and, from time to time, in other parts of the country—will go to for advice and assistance when required. The LECC's role is overseeing police, who may well be experts in counter-surveillance, and so that is what it deals with on a day-to-day basis.

It was great to meet the people involved in that work and see firsthand what they do and the facilities they have. Some of the efforts they are required to go through to unlock phones, for example, looked very much like *Mission Impossible*. They might need to create masks or fingerprints to imitate people to unlock phones in order to gather evidence for their investigations—evidence, of course, that they are entitled to get. Some of those issues will be resolved shortly through international agreements that will provide direct access to those devices for oversight agencies in Australia and across the world.

I conclude by noting that the work of oversight agencies in New South Wales is incredibly important. They are invaluable and integral to the proper functioning of the State. Through its functions, the oversight committee ensures that the extraordinary powers that are exercised by the oversight agencies are used appropriately. Committee members also visited the offices of the Ombudsman and were able to meet the people who are at the front end of dealing with complaints about the State. It was incredible to talk to them about their day-to-day work and get a real understanding of the challenges they confront. I wish all of the integrity agencies well in their work and look forward to reviewing their annual reports, which will soon be provided for the following year. I commend the report to the House.

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

Motion agreed to.

PRIVILEGES COMMITTEE

Reports

Debate resumed from 17 September 2024.

The Hon. STEPHEN LAWRENCE (16:39): I contribute to debate on the report entitled *Recommendations of the ICAC arising out of Operation Keppel*, concerning the report that came from ICAC's investigation into the conduct of the former member for Wagga Wagga, Daryl Maguire; the former Premier, Gladys Berejiklian; and others. The inquiry made a number of recommendations to the Parliament, and while some of these were directed to the Presiding Officers and the parliamentary administration, a number were also directed to the privileges committees of both Houses. The recommendations particularly related to the code of conduct for members and ethical training of members, which are part of the designated role of the Privileges Committee.

At the same time, two other inquiries predating Operation Keppel also covered similar ground. These were the ICAC report arising from Operation Witney, *Investigation into the conduct of the local member for Drummoynne*, and the report into bullying and harassment in the New South Wales parliamentary workplace, which has become known as the Broderick review. The committee, therefore, took a decision early in its inquiry to use the reference given to it by the House to respond to the Keppel recommendations and also to consider relevant corresponding recommendations in the two earlier reports. A discussion paper was prepared and circulated to all members and to various stakeholders.

To some extent, however, this inquiry became overtaken by events, including the referral, in February 2024 of a draft regulation on member disclosure requirements. This was highly relevant to the Operation Keppel and the Operation Witney reports. A separate inquiry into the Independent Complaints Officer dealt with some of the recommendations from the Broderick review. As a result, we received limited additional evidence, other than a very detailed submission from the ICAC itself, because of greater interest from stakeholders in the other two inquiries. We were also advised by the Parliamentary Ethics Adviser in a private deliberative meeting and received correspondence from the parliamentary advisory group on bullying and harassment regarding the Broderick review.

Despite limited input from sources external to the ICAC, the committee considered in detail the recommendations arising from the two ICAC inquiries and the Broderick review. The committee agreed with some of the recommendations made during Operation Keppel to amend the preamble of the current code of conduct for members by incorporating the principles of public life from the UK Committee on Standards in Public Life. The inclusion of a reference to parliamentary friendship groups in the code is also supported, and additional guidance to members in the commentary sections of the code is seen as useful.

However, the committee is conscious that the code that applies to members of the Legislative Assembly already differs from that which applies to members of the Legislative Council in relation to bullying and harassment. To avoid further divergence, the committee has made the recommendation that changes to the code be contingent on agreement being reached with the Legislative Assembly Standing Committee on Parliamentary Privileges and Ethics when it reviews the Operation Keppel recommendations. In its report, the committee discusses the further ethical training and advice materials required for members and records the progress made since the two ICAC inquiries and the Broderick review reports were handed down.

More work is desirable, and we are happy to work with the parliamentary administration and the ICAC to this end. Finally, the committee recommends that annual reports of the administration provide statistics on the overall number of members undertaking training on bullying, harassment and sexual assault and on ethical issues. As the chair of the committee, I thank the committee members and the secretariat for their commitment to completing this inquiry during a period when several other inquiries and matters were attended to in a very busy parliamentary year. I commend the report to the House.

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

Motion agreed to.

PRIVILEGES COMMITTEE

Reports

Debate resumed from 17 September 2024.

The Hon. STEPHEN LAWRENCE (16:44): I am pleased to speak on the Privileges Committee's report entitled *Review of Independent Complaints Officer system (2023)*, which is the first review of the ICO system since the role was established by resolution of both Houses of Parliament in 2022. Under the resolution, the committee is required to review the operation of the ICO system and associated investigations protocol, and to consider whether any changes are needed. The development of the ICO has been a longstanding focus for the committee to make the parliamentary workplace safer and to ensure that there is an appropriate, expeditious and confidential forum to raise complaints of member misconduct.

In conducting this review, the committee met with the current and inaugural Independent Complaints Officer, Ms Rose Webb, to be briefed on the various issues she had identified in her submission to the inquiry. An issues paper was subsequently produced and sent to the parliamentary community and other relevant external stakeholders. It invited submissions on the identified issues, including the volume and nature of the complaints received so far and the complexities of investigating complaints involving proceedings in Parliament or corrupt conduct. The committee acknowledges that there has been a lower volume of complaints reported to the ICO than would have been anticipated from the findings of the Broderick review on bullying and harassment in the parliamentary workplace.

We have explored the potential reasons why that may be the case, but the committee has hesitated to make any conclusive remarks. The report recommended that there be ongoing and tailored training about the ICO in acknowledgement of the fact that the inquiry itself may not represent the full views of the parliamentary community and its reflections on the ICO. The committee also recommended that the Parliamentary Executive Group review the volume and types of complaints received on an annual basis, and also conduct a comprehensive consultation with parliamentary staff as to their level of awareness and confidence in the ICO role, functions and processes. That will assist better understanding of the current level of use.

The committee also considered whether the limits of the ICO's jurisdiction are having an effect on the low number of complaints. For example, the resolution is clear that the ICO must not investigate complaints about conduct in parliamentary proceedings, but it is our opinion that there should be a clearer process for the ICO to determine if a complaint intersects with parliamentary privilege and to whom she can turn to for advice. Tighter drafting of the current clause covering this area will also provide clarity for the investigation of future complaints. The committee also examined the relationship between the ICO and the Independent Commission Against Corruption, and whether a jurisdictional gap exists for complaints.

ICAC takes on approximately only 1 per cent of investigations referred to it, meaning that there is clearly a greater role for the ICO to take on matters of lesser misconduct by members. The committee believes there is also much to gain from a stronger reporting relationship between the ICO and ICAC. The committee acknowledges that the ICO system is still in its early stages, and that it is perhaps too soon to make a final qualitative assessment of it. In its next review, the committee can consider the issues raised in this report and those raised by the inquiry of the Legislative Assembly committee. As the chair of the committee, I thank the ICO, Ms Rose Webb, and the Parliamentary Ethics Adviser, Mr John Evans, for their assistance to the inquiry. I also thank the members of the Privileges Committee for their work on this review and the secretariat for their support and expertise. I commend the report to the House.

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

Motion agreed to.

SELECT COMMITTEE ON BIRTH TRAUMA

Government Response

Debate resumed from 17 September 2024.

The Hon. EMMA HURST (16:48): I take note of the New South Wales Government's response to the report entitled *Birth trauma*. I was very pleased to see that the New South Wales Government has agreed to support all of the committee's recommendations, and I thank the Minister, Ryan Park, for his commitment to working with me on this important issue. However, the real test will come in the weeks and months ahead as we see what policy changes and reforms are implemented by both NSW Health and the Government across the State. Thousands of women vulnerably shared their stories to this inquiry in the hope of achieving systemic change in the mistreatment of women by our healthcare system. They need to be assured that major reform and appropriate funding will be dedicated to this space, not just some tinkering around the edges or the continuation of existing policies and procedures that we know are not working.

In fact, as this inquiry has shown, they are causing birthing women and their families serious ongoing harm and trauma. This inquiry report set out a clear road map for the New South Wales Government to address preventable birth trauma and improve health outcomes for parents and babies. It starts with ensuring that continuity of midwifery-led care is available to every birthing parent in New South Wales, providing healthcare workers with trauma-informed training and informed consent education, and supporting the midwifery workforce by ensuring safe staffing numbers and addressing the midwifery workforce shortage. I emphasise how pivotal midwifery-led continuity of care is in preventing and reducing birth trauma. Our inquiry found that it was the gold standard, and the model of care most women wanted to access.

We must work to ensure that birthing parents have access to a known midwife before, during and after birth, whether that is through a privately practising midwife or another model, like midwifery group practice. This is one of the recommendations in the report that was watered down, so there is not a strong or clear Government response on the issue, but I take a moment to highlight that continuity of care does not mean continuity of any form of care. It is problematic to suggest that GP continuity of care is important, but it does not replace midwifery-led continuity of care in helping to avoid birth trauma, as most of the time GPs are not present at the birth—the time at which most birth trauma occurs. This should not be a postcode lottery, where some birthing parents will get the gold standard of care because of where they live, while other birthing parents are not offered the support care that we know, without a doubt, will reduce instances of birth trauma.

To achieve that we need to support midwives in the workforce and fix the shortage of midwives that we have. That means pay increases, safe staffing levels, supporting midwives in their work and incentives for them to work in rural and remote areas of the State. I also note that privately practising midwives currently face enormous barriers to working in the healthcare system and in New South Wales hospitals, which is addressed in the inquiry report. Midwives are also currently facing another challenge regarding professional indemnity insurance. The new insurance scheme being proposed by the Federal Government is far too restrictive and could see many birthing parents "risked out" of accessing a midwife for a homebirth. There is real concern that this is going to limit the ability of birthing parents to choose the model of care they want, noting many birthing parents do not want to give birth in a hospital.

If a midwife is not allowed to support a birthing parent with a homebirth due to lack of insurance coverage, it puts the midwife in an impossible position—either they provide the care without insurance coverage and risk their own liability and career, or leave the birthing parent to freebirth alone, without any assistance. That is not good for midwives or for birthing parents. I urge the health Minister, Mr Ryan Park, to advocate at the next Health Ministers' Meeting, and any other forum available, to ensure that the professional indemnity insurance made available by the Federal Government is fit for purpose and enables privately practising midwives to reasonably provide their services to all birthing parents who wish to access them.

As chair of the Select Committee on Birth Trauma, my work advocating for birthing parents and families does not end here. I note that this Government has supported a number of recommendations in principle only. They require funding which has not been allocated yet. The Minister for Health made a commitment to me in the most recent budget estimates that he will be advocating for funding for all of the recommendations through the budget process. I thank Minister Park for that commitment. I note that the Treasurer has already reached out to my office to discuss the funding. I thank the Treasurer. I will hold the Government to its promise and ensure that the recommendations of this inquiry, which came directly from birthing parents in New South Wales, are fully implemented.

The Hon. SARAH MITCHELL (16:53): I contribute to debate on the Government's response to the report of the Select Committee on Birth Trauma. I did not speak on the committee's reflections and recommendations in the report when it was debated, as I was at a function at the time, so I take this opportunity to comment on the Government's response. I first acknowledge the very important and good work done by the committee. I acknowledge the chair of the committee, the Hon. Emma Hurst, who was exceptional in the way that she led a committee of bipartisan views, despite the politics. The people who came before the committee to give evidence were treated respectfully. I also thank the secretariat for their work. For me, the biggest contribution and take-home message came from those who gave evidence. There were harrowing accounts of very traumatic and horrific things that had happened to women in this State. Those who provided written submissions and who were brave enough to speak publicly gave raw, honest and brave accounts of their experience. The committee could not have done its good work without all of those people who were willing to share their stories with us—complete strangers—and others more broadly.

I give a shout-out to the dads, the partners and the birthing support people. We also heard from them about the challenges and how they were impacted when their partner or patient went through a traumatic delivery. It was important that we heard their perspective and also from the medical professionals who gave evidence. I thank the Government for its response. I acknowledge the health Minister, Mr Ryan Park. He has been genuinely engaging, particularly with the Hon. Emma Hurst, in relation to the issues raised in this report. I also note that there were Ministry of Health staff present at all of the hearings to hear the evidence firsthand, in addition to giving evidence themselves. I acknowledge that genuine engagement. As the Hon. Emma Hurst said, it is important that action now occurs.

Forty-two of the recommendations have been supported in full or in principle, and one is noted. I will speak to a couple of the Government's responses. First, recommendation 5, which has been supported in principle by the Government, is about providing better mental health support for women and families affected by birth trauma. That type of postnatal care is critical. I urge both the health Minister and the mental health Minister to ensure that in-principle support turns into real support in practice for those women and families who go through traumatic birth experiences. I also briefly speak on the recommendations made about birthing interventions and antenatal care. The recommendations, supported by the Government, include that evidence-based birth plans are freely available; maternity policies and guidelines around birthing interventions are reviewed; genuine and informed consent practices are in place; and policies and guidelines regarding birthing interventions are made publicly available. We heard strongly, throughout the inquiry, that is what families and women are asking for. I urge the Government to not only lend its support to those recommendations but also ensure that they are brought to fruition in practice.

There were other issues that came to our attention, particularly around workforce, and the committee made a number of recommendations. Recommendation 11 was around investing in the GP obstetric workforce. The Government has supported that in principle. The committee also made recommendations around midwifery challenges and funding for maternity care. That is really important. I live in a regional community and have given birth to two daughters at my local hospital under the GP and obstetrician model. It works well, but there are issues around staff shortages and not having midwifery group practice. Since this inquiry, the Government has announced more support for midwifery group practice in the southern part of the State, but there are certainly women and families in other areas of New South Wales who would also like to access that model. Again, I call upon the Government to turn its in-principle support into real and tangible action. The women who spoke to the inquiry will continue to push for it. I know that the Hon. Emma Hurst will continue to raise that issue in her work.

I feel very strongly about recommendations 35 and 36, relating to support for people who experience pregnancy loss. Today I am wearing a pin for Pink Elephants, which does a lot of incredible work to support people who have gone through that. I have had personal experience with pregnancy loss. The recommendations are supported in principle by the Government, but we need to make sure that dedicated spaces are available for families and parents who experience miscarriage and stillbirth. There were some horrific stories about women who had lost their babies being placed nearby where they could hear other women who had had successful pregnancies and deliveries. When women are going through that, it is a very traumatic time. I can speak to that from firsthand experience.

More needs to be done to provide psychological support for parents who are experiencing grief. When women go through pregnancy loss, it is grief. In my experience, there are great people who work in this space, but more needs to be done. We need that support to turn into something that is real and tangible. The numbers of women and families who experience, manage and deal with miscarriage and stillbirth are very high.

The PRESIDENT: Order! According to the resolution of the House of Thursday 17 October 2024, business is interrupted for questions.

Members

THE HON. PENNY SHARPE

The PRESIDENT: On this auspicious day of celebration, I wish the Hon. Penny Sharpe a very happy birthday.

Questions Without Notice

TRANSPORT FOR NSW EVENT POLICY

The Hon. DAMIEN TUDEHOPE (17:00): I will be very nice to the Hon. Penny Sharpe today on her birthday. My question is directed to the Minister for Roads. Noting that Josh Murray, the Secretary of Transport for NSW, was, by 16 December 2023, informed about the serious injury to a woman that took place at an unauthorised party held at a Sydney Gateway construction site, how many meetings did the Minister have with the secretary between 16 December 2023 and early October 2024, when the Minister first learned of the incident following media inquiries?

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) (17:01): I thank the Leader of the Opposition for that question. I am pleased he will go easy on the Leader of the Government on her birthday; I think that is entirely appropriate. I hope he extends the same courtesy to me when my birthday comes around. I will be sure to let him, at least, know on that occasion.

The Hon. Sarah Mitchell: Let us know in advance.

The Hon. JOHN GRAHAM: Shortly in advance—even better. Last week I responded to a lot of questions about this matter. The facts as characterised in the question are entirely accurate. I would have to take on notice the precise number of meetings that I have had, but I might choose not to do that on this occasion. I meet with the agency on a weekly basis, so that will give members some idea of the frequency. I was up-front with the House that this is not a matter on which I was briefed at the time. The Opposition sought some detail from the Government, and I have provided that. The Government provided some additional information that will come on notice from the secretary and that is entirely appropriate. I note there is a motion calling for papers on this matter, which may be before the House tomorrow. I will look carefully at the wording of that motion, particularly as it was moved twice. That unusual procedural step taken by the Opposition will make me look even more closely at it.

The Hon. Daniel Mookhey: Not even I did that.

The Hon. JOHN GRAHAM: I will not be too critical because I have come close to doing that on previous occasions. I will look closely at it, but I indicate that the Government will be relatively open-minded about supporting that. These are appropriate questions to ask, although last week I was very clear about what the rules are in New South Wales. This event, which in the end had a very big impact on an individual, should not have happened. It was not authorised; nor would it have been authorised, if authorisation had been appropriately sought. The Government puts strong obligations on contractors operating sites. Transport for NSW has reinforced that with this contractor, as is appropriate.

The Hon. DAMIEN TUDEHOPE (17:04): I ask a supplementary question. Given that the Minister acknowledges that he has weekly meetings with the agency, what action has the Minister taken in response to the secretary's failure to brief him on this serious incident for more than nine months?

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) (17:04): Firstly, let me thank the many Transport officials I work with. I have found them very professional in serving both the former Government, when Labor members quizzed them during estimates, and then in that uncomfortable half-time change of sides, when they appeared at my ministerial office early on. I have found them to be skilled and professional and of great integrity. I place on record my thanks for some of the public servants we get to work with. Secondly, I have spoken to the secretary about this issue, given it is of interest to the Opposition but also because it has become of interest to the public since there has been publicity around the issue. I have assured myself of what arrangements are in place. In future, I would expect to be notified by the agency of something like this. I think that is appropriate.

BROKEN HILL POWER OUTAGE

The Hon. STEPHEN LAWRENCE (17:05): My question without notice is addressed to the Minister for Energy. Will the Minister update the House on the New South Wales Government's response to the Broken Hill power outage?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (17:06): I thank the Hon. Stephen Lawrence for his question and the opportunity to update the House on the power outage that is impacting on Broken Hill and a number of small communities across the Far West. I know that all members of this House are thinking of the people of Broken Hill, Tibooburra, White Cliffs, Wilcannia, Menindee and other, smaller places and surrounds. The impact is high. It will be prolonged, and it is extremely frustrating and distressing for many. The Far West region of New South Wales is experiencing widespread power outage after severe storms in the early hours of last Thursday damaged seven transmission towers and parts of the local distribution network. The Government activated an emergency response and is coordinating assistance across the region.

Transgrid restored supply to Broken Hill and Tibooburra with its generator last Thursday. By 6.30 on Friday, Essential had repaired its distribution line, of which four parts were seriously damaged, and had restored power to White Cliffs, Wilcannia and Menindee. Temporary repairs to the transmission line are likely to take at least a few weeks. The Far West region continues to rely on Transgrid's large-scale backup generator. As most members of this House will be aware, unfortunately, that generator tripped so the region lost power again. I can update the House that work occurred on that all day today. The latest advice I have is that it was restarted a short while ago and power is starting to be—

The Hon. Sarah Mitchell: It is 35 degrees in Broken Hill today.

The Hon. PENNY SHARPE: Do you want to hear this, or not? This is quite important. You have been whingeing, and you have done nothing. Additional generators are continuing to be brought in, including larger scale backup generators to power smaller towns.

The Hon. Sarah Mitchell: One of the generators has been out for nearly a year.

The PRESIDENT: Order!

The Hon. PENNY SHARPE: It was the Coalition who privatised the network, so do not lecture me. The existing large-scale backup generator in Broken Hill is not adequate to meet consumer demand at times of the day, in particular during the evening peak between 5.30 and 10.30. During times of demand, Essential Energy may need to rotate power between different areas for around two hours at a time. Essential Energy will prioritise life support customers and priority loads, such as the Broken Hill Base Hospital. The Government encourages residents in the region to minimise their electricity usage during this period over the next few weeks to reduce demand on the generator. Outside these times, residents should continue to use electricity as they normally would

and those with solar power really should use all of it during the day, which will assist. That is one of the things that is providing some good support while we deal with this problem.

A natural disaster declaration has now been made, which means that jointly funded Commonwealth-State disaster assistance is now being made available to Broken Hill and the Central Darling Shire local government areas. This includes support for affected local councils to help with the cost of cleaning up and restoring essential damaged public assets. It can also include support to ensure access to essential power for homes and continuation of essential services, such as schools, public hospitals and council operations during this critical period. There is still a lot of work to do to repair the network. Seven towers went down and it is going to take a while—

The PRESIDENT: The Minister's time has expired.

The Hon. PENNY SHARPE: I seek an extension of 30 seconds.

Leave granted.

The Hon. PENNY SHARPE: The towers will take a while to restore. Temporary towers need to be put in place during the time it takes to restore the network. I thank the staff who are working around the clock to get the situation under control. I particularly thank the community volunteers who are pitching in to establish and run community meetings to work through the issues. People at the Broken Hill Musicians Club are opening centres with generators so people can go there.

I also acknowledge the work and support from the mine. The mine is not operational but it is providing water and supporting the re-energisation of the generators as the restore work is taking place. People need to realise that this is a significant event in one of the most remote places in the State. It is not a small thing and questions need to be asked about what happened, but now is not the time for that. Now is the time for us to get the communities reconnected, which is happening as we speak, and to make sure that all generators are running so the load can be covered while the temporary towers go up and that we continue to do that as the whole network is repaired. I thank the people in the community for their patience and for the way that they are working together. *[Time expired.]*

TRANSPORT FOR NSW EVENT POLICY

The Hon. SARAH MITCHELL (17:10): My question is directed to the Minister for Roads. Regarding the serious injury sustained by a woman at the party at Sydney Gateway on 9 December 2023, the Minister informed the House that he "became aware of it in the days leading up to the publicity, after there were media inquiries about it". Was any member of the Minister's office aware of the incident prior to the media inquiries? If so, when did that member become aware of the incident?

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) (17:11): I thank the member for her question. My previous answer stands, which I answered in relation to my knowledge of the event. I do not believe that my office was aware of it previously but I will check that. My office brought it to my attention due to the imminent media coverage. My staff were surprised about the nature of the incident, which was why I gave the answer that I did. We worked through some of the details and assisted in providing a Government and Transport response to that media inquiry. They are the circumstances under which I gave that answer. That was certainly the first time that I was made aware of it. I believe it is likely my office staff were aware of it in the couple of days beforehand but I will take that part of the question on notice. That would be an appropriate way to deal with it.

Transport for NSW dealt with the substantive issues carefully and, in the end, relatively thoroughly. The member is correct to say that the incident happened on 9 December 2023 and Transport was notified formally on 10 December, the following day. That was when SafeWork was engaged and when the WHS officer notified the manager of the incident. The first formal response from Transport to the joint venture then occurred on 12 December, which asked for information and sought details about what had gone on. It then reported to the regulators, including SafeWork, all the things that one would expect the transport agency to do if there was a serious incident involving one of its contractors on a site that is in the contractor's control. As I made clear, there were follow-ups to that report. On 22 March Transport wrote again to clarify the details and on 30 May there was a subsequent follow-up as well. Transport has worked appropriately to deal with the issues. It was dealt with operationally in a straightforward manner and that is appropriate. *[Time expired.]*

LANDHOLDER NEGOTIATION SCHEME

The Hon. MARK BANASIAK (17:14): My question without notice is directed to the Minister for Water. With regards to the Reconnecting River Country Program, in which properties will potentially be deliberately

flooded up to eight out of every 10 years, what is the estimated cost to farmers in lost production? How will farmers be compensated for the ongoing loss through the Landholder Negotiation Scheme?

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (17:14): I thank the honourable member for his question, the substantial answer to which is that it is currently under negotiation, as the member probably knows, as part of our discussions with landowners under the Landholder Negotiation Scheme. Fundamentally the Government has commenced a process of dialogue with landowners who would potentially be impacted, as he has outlined, as a result of the delivery of environmental water under our legal obligations as a signatory to the basin plan. The Government recognises that a dialogue and a negotiation with landowners is the preferred path forward and we have been up-front about that.

In terms of the costs, that again is the subject of dialogue with landowners—that is, exactly the extent of any particular inundation or how regularly it occurs and the impact on crops. I would guess that the member knows more than I do—a professed city dweller with a love of the water portfolio—about the different impacts of inundation over certain periods of time on cropping. It is not an area in which I profess to be an expert, but I am informed by people who have the expertise that there are different impacts of inundation over a shorter or more extended periods depending on what crops are planted. It is quite complicated to negotiate with landowners about the need to carry out inundation at certain times so that the basin plan obligations can be delivered. I will take the part about specific costs on notice and endeavour to provide what information I can.

Again, the substantive piece of work to which the member is referring is one that is not finalised. The Government is in an open process of dialogue with landowners, and their feedback and views are welcomed. It is my preference to land this in a way that is agreed and where there is give and take from landowners, many of whom are supportive of the Government's aspirations to achieve more connected waterways and return the Murray-Darling Basin back to good ecosystem health. The Government recognises that there will be impacts on those landowners so it is a priority to negotiate an outcome that meets both the Government's aspirations and compensates them, where necessary, for the impacts on their livelihood through crop inundation.

The Hon. MARK BANASIAK (17:17): I ask a supplementary question. I thank the Minister for her detailed answer. In relation to dialogue with landowners, will she elucidate how much money was paid to Local Land Services to conduct that initial dialogue in 2022?

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (17:18): I will take the member's supplementary question on notice and if that is information I can provide, I will. The tenor of the question points to what I absolutely accept as fact, and that is that the process of dialogue up to this point has been suboptimal. There is not a lot of trust and there is a lot of concern from landowners about what the impact on them will be. That is well understood.

There have been missteps in the past. The Government is trying, through updated landholder negotiations, to inform the regulatory path forward so the same mistakes are not made again. I have briefed local members such as the member for Murray, Helen Dalton, and the member for Wagga Wagga, Joe McGirr, whose electorates are impacted. I welcome the opportunity to brief the Hon. Mark Banasiak in more detail as well. We want to make sure that people know about the conversation. We want them in the room. I do not want to end up in a circumstance where people are saying, "We were not asked. No-one talked to us. We did not know about this." The Government wants them in the room. It is an all-cards-on-the-table conversation. I will take on notice the costs of some of the previous attempts. I deliberately describe them as "attempts" at negotiation, because they were not real negotiations. I once again indicate to the member that the Government takes this very seriously and is hopeful of landing a positive outcome with landowners.

The Hon. WES FANG (17:19): I ask a second supplementary question. The Minister indicated that there would have to be give and take. What is the Minister expecting farmers to give? What is the Government going to take from those farmers?

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (17:20): The Hon. Wes Fang has a strong history in terms of inter-party negotiations. His strategy of abusing his party leader on Facebook is not necessarily a negotiation strategy for positions that I personally—

The Hon. Wes Fang: Point of order: I have two points of order. Firstly, should the Minister wish to make a contribution, she should do so by way of substantive motion. Secondly, the member that the Minister referred to is not the party leader.

The Hon. ROSE JACKSON: I stand corrected.

The PRESIDENT: The Minister is not being relevant. The Minister will come back to the question at hand.

The Hon. ROSE JACKSON: I was not. I was merely saying that I am not taking lessons on negotiations from the Hon. Wes Fang. As part of the shared commitment to enliven the very damaged ecosystem that is the Murray-Darling Basin, farmers are being asked to allow partial inundation of their land for some period of time. That is straight up what the Government is asking. The Government wants to deliver environmental water to the State's environmental assets. It is important that it does that. Those precious ecosystems and wetlands rely on the delivery of environmental water. We are asking farmers to work with us and allow us to inundate some portion of their land for a limited period to deliver that. I accept that it is an ask.

The Government is willing to give money. The Government is willing to give compensation for that. That is the give and take. The Government accepts that it is asking to do something to their private property for an important shared goal. In fact, it is a legal obligation that the Government has under the Murray-Darling Basin Plan. The give is there from the Government. The Hon. Mark Banasiak's very valid question was asking about what the Government is looking to give in terms of compensation. As I said, that is under negotiation, and the Government hopes to land that. That is how give and take works.

DRAFT NATIONAL DRINKING WATER GUIDELINES

The Hon. ANTHONY D'ADAM (17:22): My question is addressed to the Minister for Water. Will the Minister update the House on the draft national drinking water guidelines, how the Government is responding and what it means for the community?

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (17:23): Yes, I can. The New South Wales Government was pleased to see the National Health and Medical Research Council [NHMRC] release new draft guidelines for PFAS levels in drinking water. They are more conservative than the current guidelines. Appropriately, the NHMRC has taken a conservative, precautionary approach and aligned PFAS levels in Australian drinking water guidelines with those in some international jurisdictions. Those draft guidelines are out for consultation now. Any member who has a deep interest in that should participate in the consultation. The Government welcomes the draft guidelines and is already preparing to ensure that it meets them.

I am pleased to update the House that almost all of the Greater Sydney network is already meeting the updated, more stringent guidelines. Once again, the message could not be clearer: Sydney water is safe to drink. It is clean, healthy, beautiful and hydrating. As has been well ventilated—and the Government has been up-front about it—there is an area in the upper Blue Mountains where PFAS levels slightly above the draft updated guidelines are being recorded. To be clear, they are still well within current drinking water guidelines, but they are slightly exceeding the more stringent draft guidelines. The Government has already isolated the sources of that raw water, which are the Lake Medlow and Greaves Creek dams. They have been cut off from the network. The Government has taken that immediate action. It is investigating the source of the contamination so that it can be even clearer about isolating it from the drinking water supply network.

The Government is also exploring medium- and long-term options around the upgrade of the Cascade water treatment plant. The Government is looking to do that in the medium term to provide assurance to the community. It is not just Sydney that is impacted; people in the regions also want assurance that their drinking water is within drinking water guidelines. Through the public health team, the Government has outreached to every local water utility and offered free testing of PFAS levels in their water sources. I am pleased to let members know that the Government has already received 16 tests back from local water utilities. Pleasingly, there are no issues within those 16. There is a plan to have the full suite of local water utilities tested by the end of the year. The Government will be up-front with the community about any issues identified. The key message is that water in New South Wales remains completely safe to drink. The Government welcomes the release of the updated guidelines and has put in place short- and medium-term actions to make sure that it continues to comply with the Australian Drinking Water Guidelines.

HUNTING FATALITIES

The Hon. ROBERT BORSAK (17:26): My question is directed to the Minister for Agriculture, representing the Minister for Police and Counter-terrorism. Given the recent tragic hunting incident that resulted in a fatality in Victoria, will the Minister inform the House of when the last hunting-related fatality occurred on public land in New South Wales?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (17:26): I thank the Hon. Robert Borsak for the question and for his strong, ongoing interest in hunting, particularly his interest in hunter safety in New South Wales, in which we

all have an interest. We have had many discussions about hunting and the opportunities for more of it across New South Wales. I am advised that there have been no hunting-related fatalities on declared public land under the R-licence framework, which has been in place in New South Wales for nearly two decades. I am also advised that since July 2017 hunting has occurred for thousands of days without incident, which is not something that we can take for granted. There are protections in place, and people need to be educated about making sure that they are operating safely.

It is good to be able to report to the House that there have not been any incidents in New South Wales over that period. I am also advised that the system and records available prevent any specifics, so I do not have any information from before 2017 or 2018. I will seek further information from the NSW Police Force about any incidents before the establishment of the current framework. The question was asked of me in my capacity representing the Minister for Police and Counter-terrorism. I will get those further details from the police Minister and come back to the member and to the House.

TRANSPORT FOR NSW EVENT POLICY

The Hon. SCOTT FARLOW (17:28): My question is directed to the Minister for Roads. Under clause 2.1 of the design and construct deed for the Sydney Gateway project, Transport for NSW must appoint a principal's representative, who may appoint one or more principal's surveillance officers. The principal's representative and any principal's surveillance officers appointed to do so are empowered under the deed to monitor the contractor's activity, including work health and safety. What monitoring of the work health and safety aspects of the contractor's planned end-of-year event was carried out by the principal's representative or a principal's surveillance officer?

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): I thank the member for his question and for his detailed knowledge of the Sydney Gateway project. At least he is prepared to ask me a question about the Sydney Gateway project. When the shadow Minister asked about another project at estimates, she was told by transport officials that they could brief her on the Sydney Gateway project. Her answer at the time was "I do not want to hear anything about that", because it had gone so well. It was going so well. I can report to the House that that has been the case.

The principles are really clear. Firstly, for any construction site, there has to be really clear accountability between the contractor in charge of the site and Transport for NSW playing its appropriate role. That appears to be the case when I look at it. I do not see in any of the questions asked to date any suggestion from the Opposition that the line was not appropriately drawn. Secondly, it is an operational matter for Transport for NSW. If the Opposition thinks there is anything operationally that could have been dealt with differently, it is yet to make that suggestion. Thirdly, is there anything about the policy that should change? In my view as a Minister, the policy for those events is appropriate. We should not hold Christmas drinks on an active worksite. That is the existing policy. The Opposition is yet to suggest it would make any change. On those clear matters, if there is an issue, members opposite should feel free to raise it, but the Opposition is not making any suggestion about those matters.

The Hon. Damien Tudehope: Point of order: The question was reasonably specific about the monitoring of the work health and safety by the contractor's principal surveillance officer. The Minister gave a detailed explanation of responsibility for the project, but the question is directed to the activity of the principal surveillance officer. Either the Minister knows—I suggest he probably does not, in which case we would invite him to take it on notice.

The PRESIDENT: The Leader of the Opposition is not helping his case.

The Hon. Damien Tudehope: I am just saying he should be directed to answering the question.

The PRESIDENT: The Minister was being directly relevant for almost the entirety of his answer with the exception of the last 15 or so seconds. I invite him to come back to the question. The Minister has the call.

The Hon. JOHN GRAHAM: I have also been clear about when Transport for NSW were formally notified and became aware of the process. However, the honourable member is asking something very specific, so I am happy to take that part of the question on notice. It is appropriate that the Opposition might seek that information. Opposition members will have the opportunity to ask further questions and press for a call for papers tomorrow, one that the Government is indicating it will likely be open to. The shadow Minister could have asked the question at estimates. The Hon. Wes Fang could have asked a question about it. In fact, he may well have been trying to ask me a question about it.

The Hon. Damien Tudehope: Point of order: If the Minister wants to attack the Hon. Wes Fang, it is completely outside the scope of the question. The Minister should be directed to answer the question.

The PRESIDENT: If the member were launching a substantive attack on the Hon. Wes Fang, he would indeed need to do so by way of substantive motion. I do not think he was. On that particular point, he was being utterly relevant to the question. The Minister will come back to the question.

The Hon. JOHN GRAHAM: In conclusion, it was beautiful to see the Hon. Wes Fang and the Hon. Damien Tudehope working together on the weekend, but even together they could not save the Coalition in Pittwater.

The Hon. SCOTT FARLOW (17:33): I ask a supplementary question. Given the Minister has indicated that he supports the policy undertaken, what steps is he taking to ensure that Transport for NSW carries out its responsibilities under that policy to effectively and diligently monitor the work health and safety activities of contractors on major road construction sites?

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) (17:33): Transport for NSW is engaged heavily in monitoring the contract work that rolls out across the State. They are not the only agency. We also rely heavily on Infrastructure NSW and a range of others—

The Hon. Daniel Mookhey: SafeWork.

The Hon. JOHN GRAHAM: —such as SafeWork. In this instance Comcare has been of assistance as well. There is a range of agencies doing good work. The member asked a specific and appropriate question, which I will get the details of the answer to, but I again make the point that the Opposition is not drawing attention to a specific failing of Transport for NSW. If they would like to, I invite them to do so and am happy to respond to that, but they failed to do so on either the operational response from Transport for NSW or the State policy that applies in this instance.

STATE CREDIT RATING

The Hon. GREG DONNELLY (17:34): If that was an attack, I would welcome an attack from the Hon. John Graham any time. My question without notice is addressed to the Treasurer. Will the Treasurer update the House on any further credit rating determinations that New South Wales received since Moody's reaffirmed their triple-A credit rating for New South Wales in September?

The Hon. DANIEL MOOKHEY (Treasurer) (17:35): I thank the honourable member for his question and his ongoing interest in the views of credit rating agencies. I know other members are also interested. I can update him on some developments that took place since Moody's affirmed the State's triple-A rating. On Friday New South Wales received a further endorsement of its fiscal strategy in the form of a triple-A rating from another key rating agency, Fitch Ratings Inc., which reaffirmed New South Wales as a triple-A-rated borrower.

As I cautioned the House when I reported the affirmation by Moody's of our status as an economically responsible State, the rating is a reason to double down on the hard work we have done, not to relax. It is the result of the work the Government has done to stabilise the State's debt while absorbing the \$11.9 billion GST hit from the Commonwealth Grants Commission. In the 2024-25 budget, gross debt was lowered by \$9.3 billion under the Government by June 2026, after absorbing an \$11.9 billion GST impact.

I say that because the triple-A credit rating is important and of real interest to the House, but it is not the only indication of a good fiscal strategy. Other members have reflected on that. Especially in the current context, that point is important because we recognise how hard families have it with high interest rates, mortgages, high rent and the cost-of-living crisis.

The Hon. Jacqui Munro: You have to pay more for private health insurance.

The Hon. DANIEL MOOKHEY: The member wants to talk about private health insurance. The solution of those opposite is that we should somehow hold onto the triple-A rating by giving a handout to private health insurers. Their view is they would risk the triple-A rating to make sure that the big four firms get a mega profit. That is the fiscal strategy coming from members opposite. Their view is that somehow the State's fiscal rating should not be used to help families, but the private health funds, with their mega profits having to kick in.

The PRESIDENT: Order! The Hon. Damien Tudehope and the Hon. Scott Farlow will cease interjecting.

The Hon. DANIEL MOOKHEY: That's the fiscal strategy from those opposite. Wherever an executive is in danger of losing a bonus, those opposite are on the case.

ANIMAL WELFARE

Ms ABIGAIL BOYD (17:38): My question without notice is directed to the Minister for Agriculture. Given that the use of carbon dioxide pig gassing is now the subject of legal action in the Supreme Court of

Victoria, and given the increasing concerns of the community since the *Four Corners* exposé revealed the realities of this cruel practice, what advice has the Minister sought and what actions has she taken in relation to ending the use of carbon dioxide pig gassing in New South Wales?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (17:38): I thank the member for her question. Firstly, of course we want better animal welfare conditions for all animals across New South Wales, including for farmed animals. I am aware of this particular issue and actions and activities in Victoria. I am always conscious of getting the best possible animal welfare outcomes in New South Wales. I am always looking for advice on better ways to do things in all aspects of working with animals across the State.

Given that the question has been asked and it is one that I take very seriously, I will talk to the department again. The advice I have to date is that sometimes unpalatable options are unfortunately the options available. Again, I take the question very seriously, and I will re-engage with the department in relation to the issues raised today. Whilst I am aware of what is happening in Victoria, I will get some updated information. I am happy to come back to the House and the member with any further advice.

TRANSPORT FOR NSW EVENT POLICY

The Hon. NATASHA MACLAREN-JONES (17:40): My question is directed to the Minister for Roads. Besides the serious injury to a woman at the Sydney Gateway party, how many other serious work health and safety instances have occurred on Transport for NSW road construction sites since 25 March 2023? How many has the Minister been made aware of by Transport for NSW?

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) (17:40): I thank the member for her question about safety on roads worksites across New South Wales. I make a couple of comments. I emphasise that this is an important issue for government employees right across the State, especially those working in construction relating to transport. People die on our roads every year. Those driving on our roads, particularly delivery and truck drivers, have some of the most dangerous occupations in the country. Keeping people safe in transport, specifically on transport sites, is always on the mind of Transport employees and on my mind as the Minister.

Given the repeated question, I again extend my sympathy to the woman who has been injured in this incident. It is appropriate to take a moment to reflect that a human is at the centre of this issue, who has been seriously injured as a result of procedures not being followed in this instance and an event that should not have occurred. I place that on record. Given this single serious incident involving a contractor, the member is entitled to ask about safety more broadly on those worksites. I am very happy to get her an answer on notice and update the Chamber. It is an entirely appropriate question in the circumstances, and we will supply some information about the current status across transport worksites.

The Hon. NATASHA MACLAREN-JONES (17:43): I ask a supplementary question. Given that the Minister was not told by the Secretary of Transport for NSW for over nine months about the serious injury at the gateway party, does the Minister acknowledge that there are other serious work health and safety instances that have not been reported to him?

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 reject the approach the member is now taking. She asked a serious, sensible question: Does this one serious incident mean there is a broader problem? That is sensible question, which the Government is happy to answer. It is an appropriate thing for the Chamber to be informed about. I reject the suggestion the member is now making. It is a far less serious suggestion. The Opposition is yet to point to a single thing it would do differently in Transport from an operational point of view. Is there any policy that Transport should change? The Opposition has not made a single suggestion.

The Hon. Sarah Mitchell: It is not about us. You are the Government.

The Hon. JOHN GRAHAM: I acknowledge the interjections from the Deputy Leader of the Opposition. I am putting the Government's position clearly. Firstly, the Government thinks Transport has done the right things operationally in dealing with this contractor. Secondly, the policies are appropriate. That is my view as a Minister. If Opposition members have a different view, they are entitled to put it, but they have not. That is the point I am making. Their critique is without any detail and without a single suggestion, off the back of a serious incident where someone was harmed. The Opposition should reflect on that.

CRITICAL MINERALS MINING

The Hon. EMILY SUVAAL (17:45): My question without notice is addressed to the Minister for Natural Resources. Will the Minister update the House on the Government's new Critical Minerals and Hi-Tech Metals Strategy and how New South Wales is well placed to maximise opportunities for the clean energy future?

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (17:45): I thank the honourable member for her excellent question about an announcement I was delighted to make alongside my ministerial colleague Minister Scully on Friday. We released our new Critical Minerals and Hi-Tech Metals Strategy just in time for the International Mining and Resources Conference next week, where about 9,000 international visitors will descend on Sydney looking for those opportunities. Our message to them is New South Wales is open for business. I am happy to say we have a long history of mining that has created prosperity for our State, but we have to pivot to the opportunities of the future. We need our copper, silver, scandium and rare earth elements for our solar panels, batteries and electric vehicles. In the global race for critical minerals, New South Wales must seize the opportunities in renewable energy by mining our way to a clean energy future.

Our Government strategy is based on five pillars. The first is to encourage exploration; that is pretty self-evident. We want to attract investment. I am particularly excited about three new parts of the strategy. We need to develop future-ready skills. There are amazing opportunities in our critical minerals strategy but if we do not have the skills mix right, we will not be able to maximise them for New South Wales. We want to be able to do more downstream processing in New South Wales. There are great opportunities, and we will have more to say about that. Finally, we want to engage with local communities to ensure responsible and sustainable mining.

The first action we announced on Friday was the \$250 million royalty deferral scheme. It is important to note that is an opt-in system to attract investment in New South Wales. It will be available only for project owners with a market capitalisation under \$5 billion. We need to put some fiscally responsible guardrails around this important mechanism to attract more investment in New South Wales. The second part of the announcement on Friday is that we are going to examine our planning processes to make sure that they are fit for purpose to get these projects off the ground. We are fortunate in New South Wales to be endowed with rich natural resources, a talented workforce and a vibrant and industrious private sector. The International Energy Agency estimates we will need to mine six times the current level of critical minerals over the next 20 years to reach global net zero carbon emissions. There are enormous opportunities for us in New South Wales, and our critical minerals strategy is an action plan to unlock the lucrative economic opportunities that are right beneath our feet.

NORTH COAST MISSING PERSONS

The Hon. JEREMY BUCKINGHAM (17:48): My question is directed to the Leader of the Government. The Minister would be aware of reports in today's media of the alarming number of unsolved homicides and disappearances on the North Coast. What is the Government doing to bring the people responsible to justice? Will the Minister assure the people of New South Wales that serial killers and murderers are not free within the community?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (17:49): I thank the honourable member for his question and for his ongoing interest in this distressing information over a long period of time. The fact that there are over 70 people with big question marks hanging over their welfare and what has happened to them is a matter that the New South Wales Government of course takes very seriously. I am aware that the member is talking with the police Minister and others on this matter, but a lot of work needs to be done on it. The Government shares the member's concern. I do not have the detail, but I am happy to get it if the member wants to pursue it further. I am aware that there are active investigations in relation to some of the matters. I am not aware of the status of all of them, but I understand that the member is working through that. The Government will continue to do so. People should not find themselves in this situation and, clearly, we will be reporting as we work through it.

The Hon. JEREMY BUCKINGHAM (17:50): I ask a supplementary question. I thank the Leader of the Government for her answer. In regard to the work that the Government and police are doing in this area, will the Minister assure the House that the Unsolved Homicide Unit, which has 12 staff and yet deals with hundreds of murders and disappearances—a concerning number—has the resources it needs to do the work that the people of New South Wales demand of it?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (17:51): Of course the Government acknowledges the work that the Unsolved Homicide Unit does. I have been interested in its work on some other matters for quite a long time. The Government takes these matters extremely seriously and will continue to work through those issues as more

information comes to light. I am not in a position to speak about whether the resources are right or what they should be; I am not the police Minister. But I am happy to take the question on notice and provide more information to the member.

SECRETARY OF TRANSPORT FOR NSW

The Hon. NATALIE WARD (17:51): My question is directed to the Minister for Roads. On 8 February 2024, in answer to a question about Transport for NSW's tardiness in acting on reports from the public about asbestos at Rozelle and antisemitic numberplates, the Minister stated:

... absolutely I have confidence in the Secretary of Transport for NSW, as I do in the transport department in general ...

In light of the secretary not informing the Minister about the serious injury incurred at the gateway party, despite their regular weekly meetings over the nine-month period between the incident and media inquiries to the Minister's office about it, how can the Minister still have confidence in Josh Murray as Secretary of Transport for NSW?

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) (17:52): I thank the shadow Minister for her question. I am glad she asked me the question, and I hope she asks me a supplementary question because it raises the tantalising prospect of perhaps getting a second supplementary question from the back of the Chamber, and the two of them could reprise the joint hostage video they filmed together for the Pittwater by-election. It did not quite get them there.

The Hon. Damien Tudehope: Point of order: The Minister clearly does not know the standing orders if he does not understand that there is no supplementary question from the Hon. Wes Fang.

The PRESIDENT: The Hon. Damien Tudehope is incorrect. The second supplementary question is to be asked by a member of another political party so, if the Hon. Natalie Ward did ask a supplementary question, the Hon. Wes Fang could certainly ask a second supplementary question.

The Hon. Natalie Ward: Point of order: The question was specifically quoting the Minister, and he is not being relevant. It is not a laughing matter. I ask that you draw him back to the substance of the question.

The PRESIDENT: I did think that was going to be the first point of order. I uphold that point of order. The Minister has the call.

The Hon. JOHN GRAHAM: I will return to the substantive matter. The Leader of the Opposition's point makes it clear that we will not be taking instruction from the Opposition on the standing orders, on operational matters relating to transport, on policy relating to transport or on the personnel who are running the transport department. I certainly have full confidence in the secretary.

AGRICULTURAL INDUSTRIES

The Hon. PETER PRIMROSE (17:54): My question is addressed to the Minister for Agriculture. How is the New South Wales Government promoting our State's \$21.2 billion primary industries sector?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (17:55): I thank the honourable member for his fantastic question, particularly today. I am a hardcore republican and, in the words of Henry Lawson, I look forward to the day when we choose the new tree green. Nevertheless, I was delighted to have the honour today of showing off some of New South Wales's finest agricultural produce to Their Majesties. It was a great opportunity to show off some of the wonderful products from farms across New South Wales. The King is a noted green thumb and has a deep passion for the regeneration of land through sustainable agricultural practices. In fact, I can report to the House that when we had the chance for a short chat today, he said he had a longstanding interest in and had been trying to highlight and push for organics and sustainable farming for decades. He was pleased and delighted that people have finally caught on.

So is the New South Wales Government. We are delighted and keen to promote people who have incredibly successful sustainable farming practices across New South Wales. I was delighted to have the opportunity to join the Premier today to introduce some of our award-winning farmers to Their Majesties and to highlight some of our \$21.2 billion primary industries sector, which leads the world when it comes to food safety and quality. I had the opportunity to introduce Her Majesty to Michael from the award-winning Pecora Dairy. Founded in 2011, Pecora Dairy works with the overarching philosophy of gentleness on the land, towards its ewes and in the production of its cheeses. Her Majesty then met with Hannah and Tim who are first-generation farmers and run the Food Farm. They are passionate about healing the environment, regenerative farming and raising pasture chickens.

I then introduced Her Majesty to Quincey Jones Jelly Preserves Co. Pty Ltd. This company was showcasing its 10 award-winning preserves, including its two gold-medal-winning products from the Sydney fine food awards: the roasted red capsicum ketchup and the pink grapefruit and pink sea salt marmalade. Finally, we met with Andrew Hadchijari, the owner of Aril Estate, specialising in Greek-style fermented green and black table olives. We know that New South Wales grows the best and finest food and fibre in the world. Our farmers range from some of the largest commodity producers to the small boutique farmers like those that Their Majesties had the chance to meet with today.

PSYCHIATRY WORKFORCE

Dr AMANDA COHN (17:58): My question is directed to the Minister for Mental Health. Psychiatrists are threatening mass resignation from NSW Health because they refuse to perpetuate a broken system. They have stated that persistent and chronic understaffing of psychiatric services has led to serious risks to patient safety. The Australian Salaried Medical Officers' Federation has stated that there is no chance of filling widespread vacancies in the New South Wales psychiatry workforce while there is a 30 per cent pay gap with the rest of Australia. With some 140 vacancies already, how many more psychiatrists can NSW Health afford to lose?

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (17:58): I thank the honourable member for the question. The answer is that we do not want to lose any of the extremely valued staff specialist psychiatrists in the public health system. I am obviously aware of the issues that the member has raised. I have met on multiple occasions with the organisation she referenced, the Australian Salaried Medical Officers' Federation [ASMOF], and also with the Royal Australian and New Zealand College of Psychiatrists [RANZCP] to discuss concerns about the wages and conditions of psychiatrists in the public health system. I say up-front that whilst the pay issue the member mentioned is certainly front of mind and has been the subject of many of those meetings, as well as the ongoing and relatively fruitful dialogue between NSW Health and ASMOF, wages are not the only issue that psychiatrists want to talk about. I have been up-front about that in public and with the member in budget estimates hearings.

There is no way that the New South Wales public health system can compete with the private sector on psychiatrist wages. We are not capable of doing that. However, we want to create a really valuable and enriching workplace for those committed to practising as psychiatrists in the public health system. That is partially linked to the wage issue that the member referenced, but it is also more than that. There is a range of other benefits for those who want to work in public health, including links to research, mentoring younger doctors and specialists, and the opportunity to work with more vulnerable people and really change lives.

In my conversations with ASMOF and RANZCP, we have talked about more than just the issues the member referenced in the question. I am aware of those issues, and we are in dialogue. We do not want to lose any more psychiatrists—in fact, we want to attract more. But the attraction of working in public health is not just about wages. We cannot compete with the private market on psychiatrist wages, so it is about the broader conditions. There is an ongoing dialogue and work being done between ASMOF, RANZCP and the mental health branch on what I would describe as non-award or non-wage matters. We are making a lot of progress with on-call rosters, the filling of vacancies and a range of other matters. I can report to the member that the specific dialogue about award matters is ongoing. The Government is engaged in the mutual gains bargaining process and is very hopeful of landing a positive outcome that will not only keep existing psychiatrists in public health, but also attract more psychiatrists to be part of that team.

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

MICKEY THE COCKATOO

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (18:02): For those who have been following the story, I update the House that Mickey the cockatoo has been safely captured and is being assessed. We hope to release him back to the wild tomorrow.

Supplementary Questions for Written Answers

TRANSPORT FOR NSW WORKPLACE INCIDENTS

The Hon. NATASHA MACLAREN-JONES (18:02): My supplementary question for written answer is directed to the Minister for Roads. Since 25 March 2023, how many serious work health and safety incidents have taken place on Transport for NSW road construction sites? For each of those incidents, when did the incident occur, where did it occur and what was the nature of any injury caused as a result of the incident?

*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.

TRANSPORT FOR NSW EVENT POLICY

The Hon. NATALIE WARD (18:03): I take note of the concerning lack of answers given by Ministers in question time today. The Opposition should be asking those questions, given the serious nature of what occurred at a party on a construction site. The Government knows that it not only has a responsibility to the workers and the people attending the party, but also a responsibility to the Parliament to be open, transparent and accountable. Opposition members have asked repeated questions because of the striking non-answers that have been given. The almost dismissive nature of the answers has been extraordinary to the Opposition, coming from a government that made election promises to be accountable and transparent. Government members have professed to care so much about those things.

There are many construction sites across New South Wales, particularly in the areas of Transport and Roads, thanks to the legacy of the former Government and the work it commenced. The Opposition has serious questions about those operations. It should be clear that the Opposition also has concerns about the Secretary of Transport for NSW's lack of operational experience. That is not personal; it is just a fact. The people of New South Wales are paying for many large, multibillion-dollar construction sites across the State that were set up under the Coalition, which were in train—thank goodness for the projects that the former Government finished. Government members have not had to worry about those. We got those done; Government members just had to open them when they could, in time, with delays.

The Opposition is concerned not only that the secretary lacks operational experience, according to the recruiters, but also that he would not, could not and did not, in a weekly meeting, inform the Minister to whom he and his department reports about a very serious incident. Either someone is not telling the truth, or there is a lack of communication or follow-through. Surely the first person one would pick up the phone and call after a serious incident on a construction site would be the Minister. I would have thought that call would be made that evening or the next day. Not only was an employee of Transport for NSW attending that party but no-one flagged the event. No-one asked, "Does anyone think this is a good idea? Do you think we should be holding a party on a construction site?"

The incident was very serious—a woman's spine had to be surgically fused—but allegedly no-one picked up the phone to call the Minister. The Minister says that does not concern him and that is not a problem. He has even dismissed the questions from Opposition members. However, it concerns us. The Opposition is concerned that the Minister is not holding his mate, or Jo Haylen's mate, or Chris Minns's mate to account. It is shameful that, while holding a responsible position, the Minister seems to be completely dismissive of the Opposition's concerns. We will continue to ask questions, and we will certainly ask questions during budget estimates. Who is responsible—*[Time expired.]*

REGIONAL ROADS

The Hon. PETER PRIMROSE (18:06): I take note of answers to question on notice No. 994 about the Fixing Country Roads program and question on notice No. 2691 about Kempsey Road. First, I acknowledge Minister Aitchison for her hard work on regional roads and transport. When going through the New South Wales budget electorate report for my duty electorate of the Northern Tablelands, the first thing one sees is that the Minns Labor Government is delivering for regional New South Wales.

Under the previous Government, projects were announced before each election and then forgotten, then subsequently reannounced and then left by the wayside, leaving communities scratching their heads about if and when local and regional roads would receive the necessary upgrades to make them safer and more reliable. Members know that local roads are the roads that most people use most of the time to do everyday things: take children to school, pick up groceries, go to work or drive to an appointment. Regional roads are arterial roads that carry a significant amount of traffic and usually connect State and national roads. They are critical to getting regional produce to markets. A huge amount of freight is transported by road in New South Wales, using the local and regional road network to get to State roads. As is often the case in regional New South Wales, freight routes involve multiple collection and delivery points and interact with local freight companies.

Kempsey Road should have been sorted out in the 12 years that members opposite were in government. They set up the Regional Road Transfer and Road Classification Review in February 2019, and then sat on it for four years until they lost the most recent election. They failed to act on the independent panel's Road Classification

Review and Regional Road Transfer report. The panel put in 18 months of hard work and had completed an interim report in September 2021. The former Liberal-Nationals Government responded with a paltry two-page document that did not address any of the recommendations that had been made to the Minister. Then there was complete silence for the next two years—no action, no announcements and no funding. The review was not a Labor election policy. Instead, the New South Wales Labor Government has been getting on with the job of actually funding and fixing country roads.

PSYCHIATRY WORKFORCE

Dr AMANDA COHN (18:08): I take note of the answer given by the Minister for Mental Health to my question on the psychiatry workforce. In her answer, she said that the Government does not want to lose any further psychiatrists from NSW Health. I agree, but that will clearly not be the case if we continue on the current trajectory. It was clear from the Minister's answer that the Government is not taking the current dire situation seriously enough. The Minister talked about the difference in remuneration between the public and private sectors, saying that we could not possibly compete with psychiatrists in the private sector.

Clinicians are drawing attention to the staggering difference in earnings between the NSW Health staff specialist award and the awards in other Australian States and Territories, particularly Victoria and Queensland. When staff specialists can have the professional rewards that come from working in the public system for 30 per cent more across the border, it is no wonder that there is a current exodus. I commend clinicians for drawing attention to how broken the mental health sector is in New South Wales and for trying to support patients through the work that they are undertaking. The letter from the psychiatrists who are threatening resignation specifically cites:

1. The persistent and chronic understaffing of Psychiatric Services across NSW Health leading to serious concerns around patient safety.
2. The inadequate remuneration of Staff Specialists in Psychiatry compared to interstate Public Hospitals causing an exodus of Staff Specialists from NSW Health.
3. The ongoing and unaddressed Work, Health and Safety risks in Psychiatric services across NSW health.

I urge Government members to not just continue with business as usual. They need to hear the concerns of clinicians and meaningfully negotiate on award reform. If they are having trouble finding the money in this year's budget to meet the demands of the Australian Salaried Medical Officers' Federation of NSW, I urge them to consider the amount of money that currently needs to be spent on locums because so many parts of the State desperately need psychiatrists.

We are spending a whole lot of money filling those gaps with fly-in fly-out doctors who are not a part of the local community and do not bolster local services in the long term. There are doctors who want to work in the public system and want to provide the best care for their communities. They want to be staff specialists and are meaningfully engaging with the Government on award reform. I urge the Government to take that really seriously and meaningfully negotiate.

STATE CREDIT RATING

The Hon. DAMIEN TUDEHOPE (18:11): I take pleasure in reflecting on the answer given by the Treasurer in question time today to a question from his own side about the credit rating. He seems to take pride in having decimated the education and health budgets, and he is now trying to fix it by ripping off private health policyholders with higher premiums. This Treasurer comes into the Chamber and says, "I've got a problem with my budget. I have lost control of the budget, and guess where we're going to get it from? We're going to get it from private health policyholders."

When we are in a cost-of-living crisis, guess who will pay for the Treasurer's inability to control the budget? He will make them pay for it. He wants to say, "It's all the Opposition's fault because they want to line the pockets of big health insurance." No, mate—we want to look after the people who are responsible enough to take out private health insurance. It is not the Treasurer's policy to look after people and encourage them to take out private health insurance. He is telling people to get rid of their private health insurance. One of the things listed on the Government's Cost of Living hub to help with the cost of living is getting rid of private health insurance.

I have news for the Treasurer: If people get rid of their private health insurance, they will all go into public hospitals for nothing rather than paying through their private health policy. They will then add to the pressures on the public health system. They will add to emergency room delays and to waiting lists, because this Treasurer has lost control of the budget. He is looking after the pay rises of his union mates who need to be paid off. The Treasurer should not talk about the triple-A credit rating from Fitch. He is a man intent on ripping off the private health policyholders of this State to make up for his inability to control the health budget.

STATE CREDIT RATING

The Hon. CAMERON MURPHY (18:14): I take note of the Treasurer's answer on private health insurance, and I have to respond to what the Leader of the Opposition just said. Everything he said ought to be looked at in the context of the Government putting forward a bill that is exactly the same as a bill that Opposition members proposed 10 years ago. Back then, they wanted to make sure that private health insurers paid their fair share, and that was a perfectly reasonable thing for them to do. That is exactly what private health insurers should be doing in this State, but 10 years later the Leader of the Opposition is defending them slugging consumers with increases that are well in excess of inflation and higher than the industry median.

The big four are always slugging consumers so they can pay themselves massive executive bonuses. They do not care about the consumer or about giving people a good product that is value for money and provides a good service. All they care about is lining their own pockets by giving themselves bonuses, and that is what Opposition members are defending. They defend executive bonuses day after day, because that is what it really boils down to. The overwhelming majority of health insurers in the State agree to pay their fair share. The only ones that do not are the big four, which account for 74 per cent of the market. They refuse to pay their bill and pay their fair share.

Opposition members defend the big four, which are mostly international, which all pay massive executive bonuses and which all make massive profits at the expense of consumers. That is just unfair. If those opposite really cared about the cost of living, they would pass the bill and say, "We'll now do what we proposed when we were in government in 2013". It was their idea, and they have now completely and utterly walked away from it. It is disgraceful. The Opposition should get on with the job of helping the consumers and taxpayers of New South Wales so that the money can come back into the tax system and be invested in hospital services for everybody. We are missing out on recruiting nurses and building hospital facilities and infrastructure without that money. The big four must pay their bills.

TRANSPORT FOR NSW EVENT POLICY

The Hon. SCOTT FARLOW (18:17): I take note of the answers given today by the Minister for Roads. A tragic incident occurred on 9 December last year at the Sydney Gateway project *Casino Royale* night, but the Minister does not seem to not want to know anything about it. The Secretary of Transport for NSW knew about it a week later on 16 December. We heard from the Minister last week that he did not find out about it until media reports were circulating only a matter of weeks ago. The Minister has previously said:

It has led to consequences for the contractor involved and has been the source of formal engagement by Transport for NSW with the contractor as a result.

If that were the case then one would expect the Minister to have been alerted and the Transport secretary to have indicated to the Minister that there was an issue with the contractor, John Holland. The contractor was formally recognised differently in the system, and there were consequences for them. It leads to the question: Why was the Minister not told earlier?

To the Hon. Natalie Ward's question to the Minister with respect to the secretary, one would think that the Minister would be slightly irate—maybe even more than slightly irate; he would be furious—that he had not been informed about this, considering that there are such significant consequences, as we are told by the Minister, when it comes to the contractor. The Minister says that the Opposition is not saying that it would have done anything differently. I bet that if the Hon. Natalie Ward was still the Minister for Roads, a few heads may have rolled. I think things would have happened very differently to what has happened under this Minister, who seems to see no evil and hear no evil. He does not want to see anything happen. He only heard about it just before the media reports.

I would have thought that the Minister would have been livid and expecting more from not just the contractor but also Transport for NSW when it came to alerting him to the consequences of what happened. I would have thought that he would have been calling them in and saying, "Why was I not told about this? Why was I not told about this contractor? Why was I not told about the consequences?" I would have thought that the Minister would not have said to the House that it all had nothing to do with him and nothing should change, washing his hands of all responsibility and trying to turn it back on the Opposition. I would have thought that the Minister would have said, "There are going to be serious changes to the way things happen in Transport for NSW. There are going to be serious changes to the way that I am alerted to problems that occur with private contractors, particularly around safety when an individual has, unfortunately, incurred a serious injury on one of our roads."

NORTH COAST MISSING PERSONS

The Hon. JEREMY BUCKINGHAM (18:20): I take note of the answer given today by the Leader of the Government regarding questions that I have raised in this House relating to the unsolved homicides and

disappearances of more than 60 persons on the North Coast of New South Wales. Today the Hon. Rod Roberts and I met with the police Minister and Deputy Commissioner David Hudson, who is in charge of criminal investigations. I am not assured in any way, shape or form that those matters have been properly investigated. My belief is based on not only my meeting with the police Minister and the deputy commissioner but also, obviously, the fact that those cases remain unsolved. The unsolved homicide unit has just 12 staff, who have an enormous remit of work to conduct. They are dealing with a massive workload. I am concerned that the Government has instantly ruled out the creation of a special commission of inquiry into these matters. I foreshadow that that will be the subject of debate in this place this week.

I do not know how the Premier can rule out a special commission of inquiry into these murders and disappearances when he is not across the details. He has not talked to the impacted families. I was just on the phone speaking with affected family members. They are saying, "We want everything thrown at this." I put on record that the deputy commissioner told me today that, contrary to what the police media unit says, there are causal links between some of these murders. Those who have examined the cases say that the crimes are so serious and outrageous that they must be linked. I have said it. Other people have said it. The detectives, the families and the community have said it. A serial killer—or more than one serial killer—has been operating on the North Coast of New South Wales. The alternative is that 67 individual murderers have gotten away with those crimes. Whichever is the case, the egregious fact is that those crimes warrant a special commission of inquiry. The Government must reveal everything it knows. The NSW Police Force must reveal everything it knows about what it did to investigate those crimes and what happened, because justice and those women and their families and communities deserve it.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. DANIEL MOOKHEY (Treasurer) (18:24): I thank members of the House for the scrutiny they put the Government through during question time. We take it very seriously. Of course, Opposition members have made their points about the matters to do with roads. As the Minister has said throughout, those opposite have often put very good, valid questions, for which he has given clear answers. The roads Minister indicated that the Government is open to assisting in providing the public with further information in regard to the matters raised. I reiterate what the Minister said in regard to that. Obviously, contractors who are delivering projects for the New South Wales Government have to obey the law, the contract and standards. As the Minister pointed out, he is taking steps, as is his department and his secretary, to have confidence that the New South Wales Government's response to this revelation is comprehensive. The House may persist with its scrutiny of this matter and I am sure the Minister will continue to provide information as he is asked.

I take note of the good debate about the triple-A credit rating. I respond to some of what the shadow Treasurer said in the debate. The shadow Treasurer was flailing me for losing control of the budget after Fitch Ratings has just reaffirmed that we have control of the budget—some context that was missing from his contribution. Nevertheless, the shadow Treasurer took the opportunity to endorse the claims of the big four health insurers. In fact, as I was listening to him in the reply, the only thing that was missing was "authorised by NIB", which perhaps should accompany his statements, given that I believe they probably supply him with his talking points. But I am not making that accusation and I will withdraw that claim if it causes offence.

I make this point on the fundamentals of that particular issue, which we may or may not be taking up later on today: It is not the responsibility of taxpayers to subsidise private health insurers' profits and their target return ratios for the premiums going back to members. All the Government is asking private health insurers to do is to pay their bills. All we as a government are doing is enforcing the agreement that Mike Baird reached with these private health insurers. As was rightly pointed out by the Hon. Cameron Murphy in the take-note debate, the legislation that the House will have an opportunity to consider later on is identical to the legislation that the then Government presented. That is it. There is nothing more to it than that. In order to deal with the issues that we are dealing with in health, the Government thinks it is important that everyone pays their bills.

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

Motion agreed to.

Deferred Answers

SYDNEY METRO DRIVERLESS TRAINS

In reply to **the Hon. NATALIE WARD** (26 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:

Appropriate support staff - including those in Customer Journey classifications under existing Metro industrial arrangements - as per arrangements on existing metro services.

MINISTER FOR POLICE AND COUNTER-TERRORISM

In reply to **The Hon. ROD ROBERTS** (26 September 2024).

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales)—The Minister provided the following response:

No. I am advised that the NSW Police continues to have close and collaborative relationships with its Federal counterparts.

TRANSPORT FOR NSW EVENT POLICY

In reply to **the Hon. SARAH MITCHELL** (16 October 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:

On 10 December 2023, the Transport for NSW employee notified their manager that they attended the event the prior evening. The employee was counselled by their manager and instructed to complete a declaration in accordance with Transport for NSW Policies (which was completed). This occurred prior to recent media enquiries.

TRANSPORT FOR NSW EVENT POLICY

In reply to **the Hon. NATASHA MACLAREN-JONES** (16 October 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:

The Secretary of Transport for NSW was informed within a week of the incident occurring.

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

Bills

24-HOUR ECONOMY LEGISLATION AMENDMENT (VIBRANCY REFORMS) BILL 2024

In Committee

Consideration resumed from an earlier hour.

The CHAIR (The Hon. Rod Roberts): The Committee is considering The Greens amendments Nos 1 to 3 on sheet c2024-208A.

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (20:05): I thank the member for the amendments. I will start with Nos 2 and 3, which were, in the view of the Government, a very reasonable set of questions but not a reasonable way to deal with them. For that reason, the Government will oppose the amendments. The member asked about the number of people in a queue, time limits on pass outs and the direction in which people must leave the premises. As discussed in question time, they are sensible things to ask about. The Government is prepared to work on those conditions in the specific instance that the member raised and more generally to determine if they are the sorts of things that should be regulated, as they seem very specific.

Sometimes flexibility is important. That is a benefit of the regulation. The authorities are often moving through and regulating venue by venue and place by place to be able to make it highly tailored. That flexibility is sometimes a benefit. The problem with switching those conditions off is that we do not know the exact circumstances in which they were applied in those venues. Without doing the work that we did on the entertainment conditions, it would be risky to simply turn those off. Significant work was done on those entertainment conditions by Liquor and Gaming NSW and by parliamentary inquiries, and there was a lot of research to deal with it. For that reason, the Government is hesitant to support the amendments.

Secondly, the bill refers to the development consents, not to the liquor licences. Even if the amendment was successful, it would not actually deal with the Club 77 example, which is a liquor licence condition. Because, firstly, there is more work to do and, secondly, it would not have the intended effect, the Government will not

support the second amendment. The third amendment is consequential, which is why the Government is not supporting it. However, the questions are sensible and we will do some work in the area to satisfy the Chamber that they are sorts of things that should be regulated.

The Hon. JACQUI MUNRO (20:07): For reasons similar to those given by the Government, the Opposition will oppose the amendments. Opposition members understand that there will be a third tranche of changes, and trust that the Government will look at the kinds of mechanisms that may be overly restrictive but can be properly addressed with the correct authorities involved in the process. We look forward to seeing how that goes in the third tranche.

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (20:08): The Government will not support the other amendment about the involvement of the Premier. I understand the point the member is making. The Government's expectation is that the Premier will have to reach a certain threshold of evidence to be reasonably satisfied that an action to vary or cancel an order is necessary in the public interest. That would normally include considerations such as what impact it has had on the event promoter and what the views of the various government agencies or Ministers are. The question is whether that sensible requirement should be in the Act or whether it would be required in any place. We have a different view to the member. It is a sensible question to ask, but the Government does not support amendment No. 3.

The Hon. JOHN RUDDICK (20:09): This bill is putting me in an awkward position. I have been compelled to commend the Government for taking a small step towards deregulation, and now I am further compelled to support The Greens for their thoughtful and appropriate amendments. The Libertarian Party supports deregulation, and The Greens amendments amount to deregulation. So regardless of our other disagreements, we wholeheartedly support the amendments. If agreed to, the amendments will remove silly rules around queue lengths for those lining up to get into licensed premises. How absurd that the Government thinks it should micromanage and police the length of queues and queue behaviour. The premises have an interest in keeping things orderly and they generally will.

The amendments will also require the Government to at least consult the promoter of a major event if the Government decides to change the rules in the lead-up to or during that event. The promoter has put his or her money and reputation on the line. They are risk-takers and we need more of that entrepreneurial drive, so it is appropriate that the Government be required to consult that risk-taker if a Government decision impacts an event.

I will go further and echo The Greens' comments about the process in this place. There is a real opportunity to do good in this Chamber with sensible amendments, such as those proposed by both The Greens and, shortly, the Libertarian Party. Sadly, they will go nowhere because the Opposition and the Government have chosen not to support them. The Opposition, in particular, should rediscover its long-lost commitment to deregulation and its political courage. It should do the right thing by the people of New South Wales and support the amendments. Until it does so, the Libertarian Party will gladly fill its shoes as the torchbearers for deregulation, bold leadership and effective opposition.

Ms CATE FAEHRMANN (20:11): I thank the Libertarian Party for its contribution and support of the amendments. It is very interesting that we are in that position. I particularly moved the amendments about conditions in relation to queuing and crowd control in the knowledge that there probably needs to be more work and consultation on how far they stretch in terms of licence conditions for different venues and whether other venues are experiencing the same issues. To be honest, in terms of things like pass outs and directions to patrons about which streets to go down when leaving the venue, I am sure those issues are being experienced by quite a few venues. I appreciate the Government's and the Opposition's commitment to consider those issues and work together on tranche 3. That would be a very good thing.

It is surprising. The major events amendment was for the Hon. John Graham so that he would be consulted the next time the Premier chose to cancel something that the Minister had put his heart and soul into. At least the Premier, under the legislation, would need to consult with the Minister and the promoter. That is what happens when you get the phone call from the big office. That is a pity. I commend the amendments to the Committee and look forward to members' support, as usual.

The CHAIR (The Hon. Rod Roberts): Ms Cate Faehrmann has moved The Greens amendments Nos 1 to 3 on sheet c2024-208A. The question is that the amendments be agreed to.

The Committee divided.

Ayes7
Noes30
Majority.....23

AYES

Boyd
Cohn
Faehrmann (teller)

Higginson (teller)
Hurst

Latham
Ruddick

NOES

Banasiak
Barrett
Borsak
Buckingham
Buttigieg
Carter
D'Adam
Donnelly
Fang
Farlow

Faraway
Graham
Houssos
Jackson
Lawrence
MacDonald
Maclaren-Jones
Merton
Mitchell
Mookhey

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

Amendments negatived.

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (20:21): I move Government amendment No. 1 on sheet c2024-210B:

No. 1 **Removal of certain conditions of development consents—Environmental Planning and Assessment Act 1979**

Page 18, Schedule 5.1, proposed clause 1A(2), line 23. Omit "condition". Insert instead "provision or requirement".

This is a small but important amendment, and I thank members for facilitating its passage into the debate. It has come out of discussions with Local Government NSW and members of the lower House crossbench, including Michael Regan and Kobi Shetty. It is an important drafting matter that makes the Government's intent clear. As members know, the bill seeks to remove music-related conditions of development consents. It also seeks to provide that where these matters are part of a plan of management underneath the development application, they will also have no effect. If the Government did not do this, it could switch them off in a development application that could still rest in the plan of management.

Is that a real situation? Yes, it is. A live example in this discussion was Barangaroo House, which was one of the venues that was not allowed to hang a disco ball. It was not in its licence; that would have been knocked out some years ago. It was not in its development application; that would have taken this out. But it was in its plan of management. That is why we need to act. The amendment clarifies that only the relevant provision of the plan of management will cease to have any effect but the plan of management itself will continue.

The Hon. JACQUI MUNRO (20:22): The Opposition thanks the Government for providing some explanation for the amendment and understands the reasons. Obviously, this is a technicality. It is fair enough that it should be addressed so that businesses that are affected are captured in the intention of the bill. The Opposition supports the Government amendment.

Ms CATE FAEHRMANN (20:23): The Greens will also support this amendment, although it really is an illustration of the slightly rushed nature of the bill in terms of allowing members enough time to go through the bill's complexities with the stakeholders involved, as we spoke about in the second reading debate. I believe it was Local Government NSW that may have picked this up. That is good. It is an important amendment, and I am glad we are making it because it certainly narrows the intent of this particular clause and of the bill. The Greens support the amendment.

The CHAIR (The Hon. Rod Roberts): The Hon. John Graham has moved Government amendment No. 1 on sheet c2024-210B. The question is that the amendment be agreed to.

Amendment agreed to.

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (20:24): I move Government amendment No. 2 on sheet c2024-210B:

No. 2 **Removal of certain conditions of development consents—Environmental Planning and Assessment Act 1979**

Page 18, Schedule 5.1, proposed clause 1A(2), line 24. Omit "condition". Insert instead "provision or requirement".

This is a consequential amendment that deals with the matters I just briefed the Committee on.

The CHAIR (The Hon. Rod Roberts): The Hon. John Graham has moved Government amendment No. 2 on sheet c2024-210B. The question is that the amendment be agreed to.

Amendment agreed to.

The Hon. JOHN RUDDICK (20:25): By leave: I move Libertarian Party amendments Nos 1 to 3 on sheet c2024-211A in globo:

No. 1 Omission of requirement to keep registers relating to members and guests—Registered Clubs Act 1976

Page 20, Schedule 5.5[1], line 26. Omit all words on the line. Insert instead—

[1AA] Section 4 Definitions

Omit section 4(1), definition of guest, paragraph (a)(i).

[1] Section 4(4) and (5)

No. 2 Omission of requirement to keep registers relating to members and guests—Registered Clubs Act 1976

Page 20, Schedule 5.5. Insert after line 34—

[2A] Section 30(2)(k), (i) and (j)

Omit the paragraphs.

No. 3 Omission of requirement to keep registers relating to members and guests—Registered Clubs Act 1976

Page 21, Schedule 5.5. Insert after line 5—

[5A] Section 31

Omit the section.

[5B] Section 45 Unauthorised persons using club premises

Omit "and the particulars required by section 31 (1) (e) have not been entered on that day in the register of temporary members kept by the club in accordance with the rule of the club referred to in section 30 (2) (m)" from section 45(1)(b).

[5C] Section 45(1)(b1)

Omit "and the particulars required by section 31 (1) (f) have not been entered in the register of temporary members kept by the club in accordance with the rule of the club referred to in section 30 (2) (n)".

[5D] Section 45A Minors' names not to be entered in guests' register

Omit the section.

Section 50B Display of notices

Omit "where the register is kept for the purposes of section 30 (2) (k)" from section 50B(2).

[5E] Section 67 Power to demand particulars from certain persons on club premises

Omit "where the club is a club to which section 30 (2) (k) applies," from section 67(2)(b).

[5F] Section 67(2)(b)(ii) and (30)(b)(ii)

Omit "particulars of whom (referred to in section 31 (1) (c)) have been entered in the register kept for the purposes of section 30 (2) (k)" wherever occurring.

[5G] Section 67(2)(c)

Omit "where the club is not a club to which section 30 (2) (k) applies,".

[5H] Section 67(3)(b)

Omit "(being a club to which section 30 (2) (k) applies)".

[5I] Section 67(3)(c)

Omit "(not being a club to which section 30 (2) (k) applies)".

These amendments seek to abolish the requirement for a club to insist on a patron coughing up their identification and completing a form to gain entry to a club. The Government's legislation is on the right track, but it can be improved. To its credit, the Government proposes removing the requirement for people who live within five kilometres of a club to join the club before entering. That is a good proposal. We should have an even playing field between clubs, pubs, licensed venues and nightclubs but, unfortunately, there is still one issue that needs to be addressed before we can achieve that level playing field. The Government's bill proposes that patrons who enter clubs will still be required to give over their personal details and fill out a form, while the same requirement

does not exist for other licensed venues. The Libertarian Party amendment will remove the requirement and bring the rules for clubs in line with other licensed venues.

Of course, if a club, for whatever reason, wants to impose an identification and registration requirement to gain entry, then the Libertarian Party says that is fine. Libertarians believe in private property rights, and clubs can therefore set whatever rules they like on their property. There is no longer a coherent reason for a double standard. The original reason was that guests had to give their details to prevent people being a guest if they lived within five kilometres of the venue but, under the Government's legislation, that reason will no longer exist. The Government now claims that the new reasons are harm reduction and to reduce money laundering, but neither of those excuses passes the pub test. Why does it only apply to clubs? The implicit assertion that clubs are somehow more harmful than other licensed venues is absurd and should be laughed out of the room. The money laundering excuse is barely more sensible given that it only applies to clubs and is plainly ineffective.

I am sceptical that money laundering through poker machines is as serious an issue as the anti-pokies brigade insists, but let us assume that it is true. Firstly, how is an identification requirement at a club going to prevent it, especially when criminals can easily access fake identification? Secondly, almost all pubs have a pokies room, and many have large pokies rooms. There is no identification requirement to enter a pub and play the pokies, so the apparent threat of money laundering through poker machines can easily be done at the pub. In fact, a pub's pokies room will generally be far less monitored for suspicious behaviour than a big club. The only real impact of the mandate to collect guests' details in clubs is to add another layer of needless bureaucracy and hassle and therefore increase staffing requirements and cost. That is exactly the sort of pointless, petty regulation that the Government says it wants to wind back. The Libertarian Party urges the Government to follow through on the logic of its stated beliefs and support the amendment.

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (20:28): I thank the member for moving the amendments. He has been influential in pursuing a range of agendas in this area. He has moved his own bill and has been involved in lobbying behind the scenes on this bill. As I said in my second reading speech, I thank him for his energy and the aptitude he has brought to this particular agenda. However, the Government will not support these amendments.

The Hon. John Ruddick: Why?

The Hon. JOHN GRAHAM: It is for these reasons. The effect of the bill is to remove the five-kilometre rule, but people will still have to sign in when they enter a club. That is for two reasons. First, as the member has indicated, there are concerns about making a unilateral change, given that clubs have obligations under the Anti-Money Laundering and Counter-Terrorism Financing Act. We should not act precipitously. However, the Government is reviewing club sign-in requirements. I am sure the member's influence will continue as the Government does that. Secondly, when we are making changes to the five-kilometre rule or considering changing the sign-in arrangements, it is important that clubs are retained as membership organisations. The Government wants clubs to be distinguished from some of the other 18,000 licensed venues in the State. We should be confident that we are preserving that distinction.

The Hon. MARK LATHAM (20:29): I support the amendments moved by the Hon. John Ruddick and ask the Government to reconsider for this simple reason: We all hate the club book; it serves no purpose. Patrons normally try to avoid signing those books and sneak in as best they can. It is a pain in the bum. The last club that I signed into was the Sherwood at Leumeah. I was there to have a beer prior to watching the poor old hapless Tigers get smashed by Parramatta. I invite the Minister to look at the Sherwood, which is designated as a club. It looks like, smells like and acts like a pub, but patrons have to sign in because it has designated itself as a club. I do not know who the members are. No-one can identify the board of directors. For all intents and purposes, it is a pub, yet patrons have to sign in.

Surely the purpose of the vibrancy reforms from this vibrant Minister is to ensure that it is easier to go out and enjoy oneself and have fun without hurting other people. There is a delay, a nuisance and a barrier to having fun if one has to line up—sometimes in long lines, for a long time—to sign the club book. What purpose does it serve? No-one in their right mind who is serious about money laundering would do it through a poker machine. That person would be there until they had a long beard like Methuselah. Why would they put silver and gold coins through a poker machine when there are so many ways to launder money faster and in bigger amounts? Online betting is one such way.

The membership-based organisation that I belong to is the Australian Turf Club, which is very prominent in all sorts of forums these days. People do not have to sign in to go to the racetrack if they are not a member; they just go in. The whole issue around membership-based organisations is a relic—a furphy. It is an historical anomaly that relates to certain licensed clubs that has now spread to quasi-pubs like the Sherwood at Leumeah.

This vibrant Minister, who wants everyone to be more vibrant, should recognise how much easier it would be for everyone to go to these places and not have to sign their names—Mickey Mouse, Pluto Pup; anything that is signed, like a Labor Party membership. We should be able to go in and avoid the queues, the nuisance, the hassle, and enjoy ourselves without hurting another person.

The Hon. John Ruddick has spent most of his life in pubs and clubs in Western Sydney. Like my good self, he knows those things inside and out, and the commonsense proposition: Just let the people go into venues and enjoy themselves. The Minister is on the wrong horse. He should recognise that a vibrant Minister would allow these important vibrancy amendments to pass.

The Hon. JACQUI MUNRO (20:32): I also spend a considerable amount of my time on weekends in clubs, attending Liberal preselections and branch meetings. However, I understand the importance of those clubs as membership organisations, not just as venues for the democratic process. I have some sympathy with the honourable member's contribution, particularly around cybersecurity and the importance of keeping safe the data that is collected by clubs. That is obviously not the substance of the bill. For the reasons the Government has outlined, the Opposition will oppose the amendments.

Ms CATE FAEHRMANN (20:33): The Greens oppose the amendments put forward by the Hon. John Ruddick. We are prepared to support any reasonable amendment that is put forward, including by the Libertarian Party. The political stripe of the member does not matter; if it is reasonable, we will support it. That is unlike the behaviour of the Government and the Opposition tonight. They are working together to support the bill no matter what, so reasonable amendments have not been agreed to.

I hope that by the end of the year there will be some kind of reform relating to a cashless gambling card. Let us remember that the NSW Crime Commission conducted an extensive investigation into money laundering through pokies. It found billions of dollars of what it called "dirty money", including money from the proceeds of crime, being washed through poker machines. Until we see the results of the Government's much-touted review into gambling harm reduction and the cashless gambling card—the Government is reviewing every single problem and issue related to gambling and pokies—The Greens will not support any amendments that remove a tiny check and balance in terms of the people entering clubs.

The CHAIR (The Hon. Rod Roberts): The Hon. John Ruddick has moved Libertarian Party amendments Nos 1 to 3 on sheet c2024-211A. The question is that the amendments be agreed to.

The Committee divided.

Ayes5
Noes33
Majority.....28

AYES

Buckingham
Latham (teller)

Martin
Mihailuk

Ruddick (teller)

NOES

Barrett
Boyd
Buttigieg
Carter
Cohn
D'Adam
Donnelly
Faehrmann
Fang
Farlow
Farraway

Franklin
Graham
Higginson
Houssos
Hurst
Jackson
Lawrence
MacDonald
Maclaren-Jones
Merton
Mitchell

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

Amendments negatived.

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

Motion agreed to.

The Hon. JOHN GRAHAM: I move:

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

Motion agreed to.

Adoption of Report

The Hon. JOHN GRAHAM: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. JOHN GRAHAM: I move:

That this bill be now read a third time.

Motion agreed to.

HEALTH INSURANCE LEVIES AMENDMENT BILL 2024

First Reading

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

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

Statement of public interest tabled.

The Hon. DANIEL MOOKHEY: I move:

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

Motion agreed to.

Second Reading Speech

The Hon. DANIEL MOOKHEY (Treasurer) (20:45): On behalf of the Hon. Courtney Houssos: I move:

That this bill be now read a second time.

The Health Insurance Levies Amendment Bill 2024 provides for an increase in the prescribed rate of the health insurance levy. The purpose is to recover revenue being lost because health insurers are not paying the full single-room rate when their members stay in single rooms in public hospitals. Health care can be an emotional issue. Insurance schemes are notoriously complicated and open to interpretation and argument. Let me begin with some facts. The average cost for public health to accommodate a private patient in a single room is \$1,075 per day. The current single-room rate gazetted for New South Wales public hospitals is \$928 per night, which is lower than the cost. The biggest insurers, who cover around 70 per cent of people with private insurance in New South Wales, are only paying the shared-room rate of \$436 a night, some with an additional nominal amount.

There are 53 private health insurers, including their subsidiaries, operating in New South Wales. Forty-four of them pay the gazetted single-room rate when their members are treated in single rooms. We thank those who are paying their fair share and doing the right thing. For months the Government has been in negotiation with the nine insurers, including the biggest four, who since 2019 have been hiding behind a loophole which makes it hard to enforce anything about the shared-room rate of \$436. As I pointed out, 44 private health insurers pay \$892 for a single room when that is what their members receive. It is a rate that allows us to recoup most of our costs, ensuring that NSW Health can provide quality care across our State.

The nine insurers who do not pay are in breach of an agreement they signed with the Baird Government in 2013 to pay the single-room rate. They are draining the New South Wales health system of \$140 million per year. This is money that is needed for patient care, but the money instead goes to insurance profits. Despite their previous agreement, the majority of insurers doing the right thing and the damage underpayment does to the very health care their members rely on, those funds have not negotiated in good faith. They are not honouring their agreement, and that is why the Government is introducing this amendment to the health insurance levy to recover an equivalent amount from insurers by the means available to New South Wales.

It is worth revisiting how we got to this point. In 2019, several health insurers unilaterally decided to underpay NSW Health for single rooms their members were given in public hospitals. These health insurers began paying only the shared-room rate, sometimes with a small arbitrary amount on top that they determined, but nothing near the gazetted rate they signed up to pay and which NSW Health relies on. NSW Health tried to work

with those insurers to restore funding back in 2019 but, as we can all remember, the COVID-19 crisis hit in early 2020 and protecting the health of the New South Wales community took absolute priority, as judged by the government of the day. Our public hospitals did us proud during those difficult times that are, thankfully, behind us. We all relied on them and they did not let us down. This situation cannot continue.

NSW Health has met with health insurers multiple times over the past year, but vague acknowledgements have not led to action. In the last month, mealy-mouthed words have become a public campaign of disinformation. The health funds pre-empted the move we are making today, and they are running a scare campaign alleging the legislation before us to recover our costs is, in fact, an increase. The underpayments from health insurers' costs amount to \$140 million per year. The bill looks to recover the underpaid amounts from health insurers through the health insurance levy. The bill gives me, as Treasurer, and the Minister for Finance power to increase the levy prescribed rate from the current \$1.77 a week to \$3.27 a week if the negotiations with the health insurers remain unsuccessful. The health funds were able to anticipate this move because it is what another former Treasurer, Mike Baird, did when he was faced with a similar underpayments issue.

In 2013 the Parliament took the same approach to the insurers underpaying for single-room accommodation. The House will recall that, under Mike Baird, the Parliament passed the State Revenue and Other Legislation Amendment (Budget Measures) Act 2013 to take the very same steps to recover revenue if insurers did not do the right thing. At the time, health insurers reversed their intended underpayments and the relevant sections of that legislation were never commenced. The funds recovered through the levy would cover the shortfall to New South Wales public hospitals so that hospital services can be maintained.

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

Leave granted.

This bill will ensure that the Government can continue to deliver world-class hospital services to the people of New South Wales and that health insurers maintain their contribution to the cost of private patients treated in public hospitals, as agreed to in 2013.

This bill empowers the Treasurer to increase the levy if negotiations are unsuccessful. We would rather health insurers simply pay the subsidised single room rate, than pay an increased Health Insurance Levy. But we cannot allow New South Wales public hospitals to go underfunded, while insurance profits are propped up.

Let me be crystal clear – all in this House appreciate the need for investment in our public hospitals. Our hospitals are under increasing pressure, and we need every dollar available to invest in essential health workers and the services they deliver.

For five years a small group of private health funds have been short-changing our public hospitals and not paying their bills in full.

Enough is enough. This is unsustainable and having offered insurers a chance to come to the table and resume the longstanding arrangement of paying their bills in full, we are taking the action necessary to recoup this funding.

I urge these funds not to punish policyholders or public hospitals and simply return to longstanding arrangements and pay their hospital bills in full.

The revenue lost from funds not paying their full bills could build a new regional hospital; fund over 1,000 additional nurses or reduce the elective surgery wait list by thousands.

I commend the bill to the House.

Second Reading Debate

The Hon. DAMIEN TUDEHOPE (20:50): The Opposition will be opposing the Health Insurance Levies Amendment Bill 2024. The Opposition believes that the Government should be kept to its election promise. The bill does only one thing—it provides for a government that promised not to increase taxes to increase the tax on private health insurance policies by a massive 85 per cent. The Treasurer, in this place, and the health Minister, in the other place, each denied that this tax increase was breaking Labor's promise not to increase taxes. The Treasurer calls it a "cost recovery measure". He went on to explain why he wanted to increase this tax, but to any reasonable person it is and will always be a broken promise by this Government. Perhaps the health Minister can have a stab at explaining when a tax increase is not a tax increase. That is what we are dealing with. This is a tax increase which the Treasurer and the health Minister say is not a tax increase.

Since 2019 the major private health insurance funds have declined to cover the full gazetted fee for a private patient occupying a single room at a New South Wales public hospital, which is currently \$928. The Government, desperate for new sources of revenue to offset its out-of-control budget expenditure blowout, has identified a potential source in private health insurance funds. It wants to either persuade the funds to cover the full gazetted fee or, alternatively, increase the health insurance levy. That is a tax increase. The Government's efforts to persuade the funds to cover the full fee have so far not succeeded. Members should be clear that this bill does nothing to directly address the issue of cover for private patients admitted to a public hospital. The bill would increase the health insurance levy from \$1.77 to \$3.27—an 85 per cent increase. This equates, in real terms, to a levy of \$78 per year for single membership of a fund and \$156 per year for a family membership.

This is the second clear breach of Labor's promise not to increase taxes. It has already increased land tax by freezing the land tax threshold, exposing many landholders whose land was previously under the threshold to land tax for the first time and increasing land tax for all those already subject to it. Increased land tax is naturally passed on by landholders to their residential or small business tenants, putting further pressure on renters and small businesses in a cost-of-living crisis. Similarly, the health insurance funds are just as likely to pass on the full cost of the levy to their members. Under the risk management rules set by the Australian Prudential Regulatory Authority for health insurance funds to cover all material risks, any increase in the quantum of coverage for a specific service under a policy needs to be prudentially covered by the fund. The usual way to do this is to increase premiums to reflect the additional cost of services covered.

Modelling by the private health insurance funds suggests that about 77,000 members may drop their private health insurance as a direct result of Labor's tax grab. An amount of \$156 extra per year for health insurance for a family facing financial hardship in a cost-of-living crisis could well be enough to tip the decision towards dropping the policy altogether. That is not in anyone's interest—or in the interest of the public health system. Governments, both State and Federal, have worked on a bipartisan basis over many years to encourage the widespread take-up of private health insurance to help spread the overall costs of the health system. However, the Minns Labor Government is now not only breaking an election promise not to increase taxes but breaking the bipartisan Federal-State consensus on encouraging the take-up of private health insurance. On its very patronising Cost of Living hub website, the Government offers gratuitous advice to those struggling to make ends meet. It includes this extraordinary advice on private health insurance policies: "choose not to have one if you are experiencing financial hardship". Let me repeat that: The Minns Labor Government is actively advising people to choose not to have private health insurance cover.

This bill—which flagrantly, unashamedly and openly breaks Labor's promise not to increase taxes—will force those who are trying to maintain health insurance cover for their family, despite the Government's gratuitous advice, to drop their policy. This will, of course, add to waiting lists at public hospitals and increase the cost of the public health system. The bill should be opposed primarily on the grounds that it clearly breaks Labor's pre-election pledge not to increase taxes. Given that pledge, the onus is on the Government to find other ways if it chooses to negotiate a new agreement with the funds about coverage for single rooms. On the Government's own account, 44 out of 53 private health insurance funds have been covering, or have now agreed to cover, the full gazetted rate for a single room. This bill would impose the same 85 per cent tax increase on those funds despite those agreements.

The Government has no justifiable excuse for its tax increase on the members of those funds—and yet it persists. The Treasurer has attempted to insist that this legislation merely mirrors the legislation passed in 2013, when Mike Baird was Treasurer, but never proclaimed. I note that the proposed increase in that legislation was 45 per cent, whereas the increase under this bill is nearly twice as much at 85 per cent. This is 2024. There is a cost-of-living crisis. The Government promised no increase in taxes. It has broken that promise once with land tax and the Opposition opposed that tax grab. This bill would be further breaking the same promise.

I am compelled to reflect on some of the observations made in the other place by the shadow health Minister, Ms Kellie Sloane. In a remarkably erudite contribution, she said in relation to this bill:

It is a false economy by Labor because this decision will ultimately end up pushing policyholders back into the public health system, which is already stretched and has the longest queues in the country. In a cost-of-living crisis, families are holding on to their private health insurances by their fingernails. In the first half of 2024, 216,000 Australians downgraded their cover because they are finding it really hard to pay their bills.

We know that families value the health of their kids and themselves above everything else. This tax will hurt. We cannot forget this Government—indeed, all governments—wants us to have private health insurance because it saves the system money. The private health rebate incentivises us—some would say forces us—to take out private health insurance if we want to get some tax back. In that context, this bill does not make sense.

Who takes out private health insurance? It is not a luxury only for the rich; it is something the majority of people value. In New South Wales 65 per cent of people who have private health coverage earn less than \$90,000 a year. Approximately two in five people with private health coverage have an annual taxable income of \$50,000 or less.

The shadow Minister goes on:

Treasurer Mookhey pulled out the old, "I am just doing what he did" argument and said he is recycling a tactic used by Mike Baird in 2013. It is desperate to reach back that far for justification and it is actually quite misleading. I will compare the two situations.

Most Australians and people in this city and State are living through the worst cost-of-living crisis that they have experienced in their lifetime. In 2024 it is incredibly out of touch to think that adding \$114 to the average person's premium or \$156 to private health insurance is sensible. The average house price in Sydney has doubled over the past 10 years to more than \$1.6 million for a three-bedroom house. In 2013 the average 30-year mortgage rate was under 4 per cent. Now, it is closer to 7 per cent. In 2013 Mike Baird proposed an increase from \$1.37 to \$2, which was a 45 per cent increase.

Labor is proposing to double that and increase the levy to \$3.27. It is not a like-for-like comparison ...

Labor Government Ministers have proven time and again that they cannot do deals. They could not do one for GST with their Federal colleagues.

The Treasurer continually bleats in this place and in some respects has the Opposition's support, although the bleating is of his own making. She goes on:

They could not do one when Albo took away infrastructure funding from this State. There is industrial chaos in this State because they cannot even do deals with their union mates. How can we possibly expect them to do a deal here? Rather than negotiating in good faith, they—

their private health insurance holders—

are taxing the people of New South Wales in a cost-of-living crisis, when people are leaving private health in droves. Currently, Labor's budget has a \$140 million unfunded revenue target. That is why we are seeing this tax. Labor needs to find the money, and it is trying to find it from private health. It is counting on private patients funding more of our public health system. That is the reason for this tax.

The Government needs the money. It also needs people to retain their private health insurance, but it is making it more expensive. That is absurd.

I make one observation on the manner in which the Treasurer is conducting the arguments relating to the bill. He has portrayed the private health insurers as being the greedy big end of town. That is an absurd proposition. He is suggesting that the Opposition, by opposing the bill, is backing in the big end of town. Quite frankly, that is a nonsense argument. The Opposition is backing in the people who earn \$90,000 a year or \$50,000 and who are struggling to take out private health insurance because that is what they think is best for themselves and their families, notwithstanding that may not be the Treasurer's view.

I can tell the Treasurer that the view of Opposition members is that we will stand up for them every single day of the week. In the Treasurer's inability to negotiate with the health funds, he has demonstrated that he does not have the ability or the capacity to demonstrate why they should be contributing more. Has the Treasurer ever considered that when he talks about the massive profits those funds are earning, a lot of those profits were premiums that were collected during COVID, when lots of people were not having elective surgery and were not using private health facilities? There were certainly increases in profit margins by those private health funds during that period.

The Hon. John Ruddick: And returned to the members.

The Hon. DAMIEN TUDEHOPE: I acknowledge that interjection because that is the fallacy that the Treasurer relies upon to say that they earned massive profits between 2020 and 2024; therefore, these are the greedy health insurers. If the Treasurer had one iota of integrity, he would acknowledge that fact and put the true facts about health funds on the table, not portray and demonise them in the manner he has done. This is old Labor-style strategy to achieve political outcomes: Find a demon and demonise them in the media and in political debate without having the integrity to have proper arguments relating to what premiums should cover. I am up for that discussion because lots of us pay very expensive private health insurance premiums. As we get older, as I have found out and as the Treasurer will find out, those premiums increase significantly. People often think, "What am I getting for my dollar?" That is a legitimate argument to have, but the Treasurer should be up-front.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): Members will listen to the Hon. Damien Tudehope in silence.

The Hon. DAMIEN TUDEHOPE: The Treasurer should have been up-front about the analysis and the arguments he has put to the health funds in respect of what their profit position truly is, because the health funds who return those profits to their members are not making massive profits of the magnitude he characterises. In one sense, by characterising that, he has tried to play a class warfare game, which in many respects does not benefit this debate whatsoever. The Opposition will oppose the bill. I repeat that Opposition members are ready to stand up for every private health insurance policyholder who earns \$50,000 a year or \$90,000 a year, because many of them are struggling with cost-of-living pressures and should not be subjected to this strategy or tactic that the Treasurer wants to put in place to "force", as he calls it, private health insurance corporations into a circumstance whereby they negotiate with him.

In summary, this is a tax increase. It is an attack on ordinary taxpayers and an attack on private health insurance policyholders. To characterise it as greedy health insurance companies is a mischaracterisation and a demonisation of an industry that should not be subject to this type of strategy of trying to extract a deal from them. For those reasons, the Opposition will oppose the bill in its current form.

Ms ABIGAIL BOYD (21:08): On behalf of The Greens, I wholeheartedly support the Health Insurance Levies Amendment Bill 2024. This is a really fun debate and it has been very fun to watch the Opposition tie itself in knots to try to support not the entire private health insurance industry, but just the really big ones—the big corporate ones—not the 44 or whatever it is out of the 50-something that have been paying what they are supposed

to be paying. The Opposition only cares about the ones that have been holding out. It has the collective resources to know full well what the bill is trying to do, and that is to stand up to big business. A similar strategy was used so effectively by the then Treasurer, Mike Baird, in 2013. Opposition members saw it as a clever way around what would otherwise be hard to enforce, yet now they say that somehow it is not the same clever idea that it was in 2013. Of course it is. The only thing that could be said to be different is that perhaps there was a slightly higher rate, but the Opposition's contribution never explained how that made it a bad idea. By all means, I invite the Opposition to explain how a lower rate would recoup the amount that has been stolen from the public purse by those health insurers.

I absolutely agree with the Leader of the Opposition that we have more expensive premiums, because private health care is an absolute rort. It was an absolutely terrible idea when it was brought in. There were tax incentives to try to incentivise everybody to get onto it. It is based on the idea that the public healthcare system would eventually be replaced by private health care so that we have a two-tier system—those who can afford private health care and those who cannot.

The idea is that that is completely okay because some people can pay a huge amount so they get on the waiting list more quickly. People who have children have no choice but to spend a ginormous amount of our money on private health care because of the fear of otherwise not being able to get into the public healthcare system. Now that we have got rid of the horrible, miserly Coalition governments at both the Federal and State levels, we are trying to reinstate public services for the public good after the failed experiment of neoliberal capitalism. What we have now—

The Hon. John Ruddick: They were socialist.

Ms ABIGAIL BOYD: Absolutely, I'm a socialist.

The Hon. John Ruddick: No, the Liberal Party was.

Ms ABIGAIL BOYD: The Government is trying to keep our nurses, doctors, psychiatrists and everybody else in our public healthcare system and to not go down the route of the United States, where people have to mortgage their homes in order to access a routine operation. The Government is actually trying to re-bolster the public health system. At the same time, people are being forced to pay higher mortgages and are burdened by all of the other cost-of-living pressures that can be driven home to big business in so many respects.

One only needs to look at the Coles and Woolworths scandals or the extent of the price gouging that the energy companies have been found guilty of. There is so much price gouging by big corporations, which are taking advantage of the fact that over the past few decades public services have been run down to such an extent that people have no choice but to pay for every single thing. I do not want to live in a society where people do not pay any taxes and it is a free-for-all—where people just pay the bare minimum in tax and then have to pay in full for everything else. People who cannot afford it will not get it, whether it is health care or schooling or anything else. Apparently, we want to live in a user-pays society where we all think of ourselves as individuals—very Thatcher, very Reagan. Here we are back in the '80s, at the birth of neoliberalism, with the idea that we are all disconnected individuals who should be paying our own way. Whatever has happened in our lives and whatever downfalls we may have had, that is our own fault—"I'm sorry, you don't really live in a society. There is no such thing as a society." Thank you to Margaret Thatcher.

Instead of that, now that we have seen how terrible that is, people want to come together as a society and are looking again to governments to provide those very basic essential services. Those policies are the ones getting more support. Whether it is Queensland Labor introducing the lovely Greens policy of free transport—it settled on 50¢ fares, which is great—or whether it is the Victorian Government talking about properly putting in place national energy generation and energy retailers, those sorts of policies are coming back. People want the Government to build massive amounts of housing. They want the Government to start providing essential services because the fact is that the cost-of-living crisis we are in right now is a direct result of the failed policies of the conservative side of politics, primarily—but unfortunately egged on by the Labor Party until more recent times—which have led to corporations being able to get away with whatever they want to get away with.

That brings me to the bill. A bunch of private health insurers are putting people into public hospitals, where a public hospital patient would otherwise be. The private patient has hopped up the waiting list, has got their elective surgery and has been fast-tracked into a public hospital bed. Instead of paying what that bed is worth, the private health insurer has decided to pay only 60 per cent or 75 per cent of what it has been asked to pay. The Opposition suggested that if they were made to pay what they should be paying then somehow that would increase premiums, but that would not be the case for those that are already paying. If companies like Bupa agreed to pay the full price—or not the full price, because the bill offers them a discount, which is very generous—rather than

a levy that is more than the cost of the bed, but then told its members that their premiums would go up as a result, my advice to those members is to go to a private health insurer that is already paying the full price.

When the bill goes through, it will have the same effect as it had in 2013. The big private health insurers will work out that they cannot just keep stealing from the people of New South Wales or they will be hit with a big, fat levy. Instead, those insurers will finally pay what they actually owe the State and the public health system. That may result in their premiums going up, but the premiums of companies that have been paying the full price the whole time will not go up. My advice is to shop around and find an insurer that has not been ripping off the public sector and the public hospitals. They will have a more ethical governance structure in place, where they acknowledge their responsibility to pay what they are obliged to pay, and there will not be any premium increases as a result. That is a complete red herring, and it is fascinating to hear the Opposition talk about it.

I love that Private Healthcare Australia, the lobby group for private health insurers, tried to threaten crossbench members with a letter. Next time it might want to give us a little bit more credit because we can see through its BS. I am not allowed to swear on *Hansard* but I am allowed to say BS. It is complete BS. I can probably say "bollocks". The letter told us that the Minns Government will increase the cost of private health insurance, but it completely neglected to mention that, by the way, many private health insurers have been making extra profits. It did not mention that they run their business and make their money not by being frugal, or looking for good ways to be more effective or efficient, or cutting costs internally, or any of those things. They make money by simply choosing, out of thin air, how much they will pay for each public hospital bed that they use.

It boggles my mind that a huge company is allowed to say, "I see what you are offering me for that bed." I cannot remember what the amounts were; I probably have an example. The average cost for public health to accommodate a private patient in a single room is \$1,075 per day, but the Government says, "I am not going to charge the whole \$1,075"—even though that is what it costs the public health system—"I will give you a 17 per cent discount. Just give us \$928." Some of those companies are paying \$436 instead of \$1,075. There is no discussion or consultation; that is what they have decided they would like to pay.

Private Healthcare Australia has demonstrated in this letter that it will stop at nothing to lie to the people of New South Wales. At no point has that dishonest lobby admitted that what it is doing is stealing. It is selling a product. Let us say in this particular instance that it is selling a procedure in a hospital bed in a public hospital. It is saying, "You pay this amount of premium, and we will deliver this back to you at some point. That is what you get." What the lobby is not telling you is that it has stolen what it gets from the public health system because it has paid less than half of it. It then sells you back those stolen goods. It is close to fraud. It is quite extraordinary. That is eclipsed only by the fact that, despite having done the exact same thing in 2013, the Opposition is saying that the Government is breaking a promise that it would not introduce any new taxes. What rubbish! It is extraordinary. Has the Opposition got nothing yet in terms of an agenda, such that it cannot come up with an intelligent argument against something like this? Instead, there are lies.

The Hon. Damien Tudehope: Don't give them the bed. If you don't like it, tell them they can't come.

Ms ABIGAIL BOYD: I acknowledge that there have been some great interjections. The suggestion is that the public health system should say to the people who have paid for private health insurance and are on waiting lists that they cannot have a public bed. The interesting thing about that is the current, very public stoush between private hospitals and private health insurers because private hospitals are having the same problem. The private health insurers will not pay the private hospitals what they are owed either. There will be no beds for anybody.

The Hon. Damien Tudehope: There's your solution.

Ms ABIGAIL BOYD: I again acknowledge the interjection. The Opposition's solution to the issue is that all of those people who, in a cost-of-living crisis, have been paying huge amounts of premiums should now be denied the very thing that they are paying that insurance for. Wouldn't that be the icing on the cake for those poor people? We are told that those opposite are the ones who care about people, despite them saying, "Don't give them a bed," and to let people suffer from getting nothing in return for the premiums that they have paid. The villains in this story are the private health insurers. It is not hard for one to wrap their head around. Mike Baird understood it because he had a strategic mind. I may not have agreed with him on everything, but he understood that you do not let big business trample over you when you are in government. I would not expect anything less from the Treasurer on this.

My only criticism is that the bill should be much harsher. I understand that there are limits as to how harsh it can be. The Greens will move amendments. I had to restrain myself; I would have loved to have gone much harder. The amendment that I will move is in direct response to the misinformation in Private Healthcare Australia's letter. It will require annual disclosure by those companies of exactly how much they are paying and

how much they have not paid so that we never end up in this situation again. To make doubly sure of that, we will not have a regulation that expires after a year. We are going to have this threat hanging over their heads forever. We do not want another situation where massive health insurers are reneging on deals that they have made with government. Having heard what the Opposition has to say tonight, it is clear that those opposite are not up to the task of standing up to big business. We have to have this bill in place. I have thoroughly enjoyed myself. I thank the Treasurer for bringing such a fabulous bill to the House. The Greens love it.

The Hon. CAMERON MURPHY (21:25): I speak in support of the Health Insurance Levies Amendment Bill 2024. It is an important bill. I do not agree with everything that Ms Abigail Boyd said in her speech, but I agree with a lot of it.

Ms Abigail Boyd: You're a socialist.

The Hon. CAMERON MURPHY: I am a proud socialist. I put some facts on the table. The industry would probably not exist without government support. It was the Howard Government forcing everybody, with either subsidies or tax penalties, to take out what in most cases is junk insurance. Nobody gets value for money out of it. Hospital insurance has degraded to the point that it covers virtually nothing. The facts are that there are some 53 health insurers, and all but nine are paying their bill. They are paying the right rate. It just so happens that four of those nine are the big four insurers that make up 74 per cent of the market, being HCF, NIB, Medibank Private and Bupa. The legislation is identical to the legislation introduced by Mike Baird when he was Treasurer. The then Government, now in Opposition, did not think it was a tax increase at the time. It was all about ensuring that private health funds paid their fair share. The hypocrisy from the Opposition is staggering. Those opposite are doing nothing more than running a protection racket for the big four private health insurers, who refuse to pay their fair share.

All of the other funds, the mutual funds set up by unions and other community groups, are paying. They are honouring the agreement, by and large. They do not have a problem paying their bills, but the Opposition is not saying anything about that. Those opposite are saying that they want a two-tiered system where the not-for-profit funds have to pay but the big four should be exempt from paying their fair share. That is what the Opposition is saying in this debate. Since the regime came in under the Howard Government, barely a year has gone by without the private health insurers going cap in hand to the Federal health Minister and saying, "The sky has fallen in. We cannot pay for anything. We want a premium increase." In more years than not, the premium increase that they have sought exceeded the inflation rate. They want massive increases year after year. At the same time that they are doing that, the poor punter out there has had their policy stripped. The insurers have systematically taken out benefits and made it more difficult for people to access.

Over that same period, those funds have made massive profits. Private health insurers have experienced significant growth in their profits since 2019. Australian Prudential Regulation Authority data shows their profits doubled between 2019-20 and 2022-23, with a 185 per cent increase from \$723 million to \$2.1 billion. That is a massive increase in profit during the same period when they were saying to this State that they could not afford to pay what they agreed to pay under the former Government. They have reneged on that. They have not paid it. They are refusing to do what they said they would. The bill will ensure that they honour the agreement they made. There were massive increases not only in profits but also in executive bonuses. Year in, year out, without fail, they pay their executives massive bonuses. That is not about protecting consumers; it is a protection racket for the big four private health insurers and their executive bonuses. That is what the essence of the debate is about.

On one side of the Chamber, the Government, The Greens and other progressive parties are saying, "Pay your fair share." The reason we want the fair share paid is that revenue is important for the State to reinvest in providing nurses and improvements to the public hospital system, so that public and private patients have better facilities. The money ought to go into the health system instead of the yearly bonuses of executives in private health funds. The difference between the Government and the Opposition is the Government is saying, "Pay the money you agreed to pay back to the State so we can reinvest it," while the Opposition is saying, "The sky is going to fall in. They might ask for an increase in premiums. This might affect their ability to operate." They ask for increased premiums every year. They reduce the services they provide to members to the point where a lot of it is junk insurance. Nobody would take it out and—let's be honest—those insurers probably would not exist if it was not for the Commonwealth regulatory regime. We need to make sure that they pay their fair share to the State. The bill absolutely does that, and I commend it to the House.

The Hon. CHRIS RATH (21:32): I speak in debate on the Health Insurance Levies Amendment Bill 2024. It is completely delusional to think that, if the Government increases taxes in this way, private health insurers will not pass it on to consumers. Of course they will. If the Government levies any new tax on insurance, of course the private health insurers will pass it on. I worked in the general insurance industry for 6½ years and the taxes are always passed on to policyholders. Whether it be stamp duty, the emergency services levy or GST, they are all passed on. What makes the Treasurer think that, if he increases taxes on private health insurers, it will not be

passed on to consumers? He will spend the next few weeks saying this is a tax on the big end of town and on the big private health insurers with super profits. That is nonsense. It is a tax on policyholders. It is a tax on the ordinary, everyday people of New South Wales who will have to pay it.

Private health insurers are not allowed to absorb the cost because Australian Prudential Regulation Authority will not let them. There are certain capital requirements for private health insurance. To think they will absorb these costs if the Parliament passes the bill is completely ludicrous. It will be entirely passed on to consumers, like every single other tax. It is a complete misunderstanding of how the insurance industry or any business works to think that will not be passed on to consumers. So, what do we know? We know that it will amount to about a \$78 increase in premiums for a single person and \$156 for a family as a result. It will not reduce the profits of the big private health insurers; it will simply increase premiums to policyholders. That is what we know will happen.

We also know that about 70,000 people will leave the private health insurance market as a result. You tax things you do not want. By increasing the tax on private health insurance, all that will happen is about 70,000 people will leave the market. There will be a substitution effect. People who consume private health insurance will start consuming public health services, putting more strain on the public health system and therefore more strain on the taxpayer of New South Wales, who will have to foot the bill. That is what will happen. It is more than that. It is also, as the shadow Treasurer said, another broken promise. It has become quite farcical that the Treasurer has not even admitted he has broken his pre-election promise. We first saw it with the coal royalties. Maybe with some sort of gymnastics he could say that increasing coal royalties was not a tax. But even by the Treasurer's own very generous definition of what constitutes a tax, this certainly would be an increase in taxes.

He seems to think a fee, a fine, a levy, a charge, a change in thresholds, or a surcharge is not a tax. He can massively increase the amount of revenue the Government receives and it is somehow not a tax. It beggars belief. This is definitely a tax. It is a health tax on hardworking families in New South Wales. It is because the Government has lost control of the budget. Let's call it out for what it is: The Government has lost control of the budget. It needs additional sources of revenue. Members opposite think the tax is a cheap and easy way to get new revenue coming in. They have given all the money that they already have to the union bosses. They need it for their budget bottom line.

If members opposite seriously believe that private health insurers were making super profits, they should pick up the phone to Anthony Albanese. They are the ones who regulate the profits of the private health insurers. We have community pricing for private health insurance in Australia. That means they cannot charge anything they want. They have very regulated premiums, unlike general insurance and many other industries. The private health insurance market in Australia probably has the most regulated prices of any industry. If members opposite were seriously unhappy about the so-called super profits made by the private health insurers, they should pick up the phone to Anthony Albanese and Jim Chalmers, instead of pulling a cheap stunt of increasing taxes when they promised before the last State election that they would not. Some points have been rightly made about the fact that so many people have taken out private health insurance. There are various incentives. People want to avoid the Medicare levy surcharge and take up the Medicare rebate, and rightly so, because it means that there will be less pressure on the public health system.

If private health insurers were so evil, why have previous Federal Labor governments not dismantled the private system? They have not because dismantling the private health system would mean complete chaos for the public health system in New South Wales and Australia. That is why it has not been done. Regarding the so-called super profits the Hon. Cameron Murphy said private health insurers supposedly make, the Labor Party did not do anything about that when last it was in government federally, nor is the current Labor Federal Government doing anything about it now. The Labor Party has not stood up to the private health insurers to try to reduce premiums. It supposedly capitulated to their demands of increased premiums.

As I said, the Treasurer will say for the next few weeks that it is a tax on big private health insurers, but we know what it is. It is actually a tax on the people of New South Wales who take out private insurance. As the shadow Treasurer said, they are not rich. They are aspirational. They earn \$50,000 or \$90,000 a year. They are trying to avoid the surcharge once they get to the \$90,000 or \$100,000 threshold, so they take out private health insurance. They are trying to reduce the strain on the public health system by having private health insurance, and now they will cop a massive new tax. Already, 216,000 Australians have downgraded their private health cover in the first six months of the year because we are facing a cost-of-living crisis. Who on earth would think that in that cost-of-living crisis it is a good idea to increase premiums through a new tax on private health insurance? Apparently, the Labor Party does; that is its proposal. I will leave it there, except to say that it is a broken promise. It is a health tax. If Government members want to do something about premiums and the super profits of the private health insurers, they should pick up the phone to Canberra instead of pushing up premiums for everyone else.

The Hon. JOHN RUDDICK (21:40): The Libertarian Party opposes the Health Insurance Levies Amendment Bill 2024. The Libertarian Party is the low tax party—period. In our budget submission earlier this year, we outlined an agenda for cutting a range of taxes. We specifically called for the removal of all insurance taxes. Specifically, the Libertarian Party budget submission said, "Insurance is an unambiguous good, and there is a strong case that people are already underinsured. Removing the insurance duty and the health insurance levy will allow people to make the best insurance decision for themselves without being penalised by the Government." We specifically called for the abolition of this tax to let the private health insurance industry flourish but, instead, the Labor Government is hiking that premium. The poor old private health insurance industry is grossly over-regulated. Insurers cannot lift the price of their services, like any other business. They can only do what the Commonwealth dictates. They are, therefore, against their will, quasi-government institutions.

Switzerland has the world's best healthcare system and the world's best health stats because private health insurance covers everybody. The Government does not run one hospital in Switzerland. Low-income earners are given a voucher to purchase private health insurance. That is the model we should be emulating. The Swiss have 194 insurers in a market smaller than the New South Wales market. We have heard from the two self-declared socialists tonight. They asked who sets the price and talked about price gouging. In Switzerland, consumers set the price for private health insurance through supply and demand. Australia, which is much bigger than Switzerland, has only a handful of serious insurers because it is so regulated. A discussion about health should be about what is best for consumers. What is best for Australians and the people of New South Wales is to have good health.

Members should look at Switzerland. If Government members truly cared about health outcomes and not socialist ideology, they would say, "Switzerland is working. Let's copy that." We heard one of The Greens say, "Look at America. They have to mortgage their houses." America has a very heavily regulated health system now, thanks to President Obama. The only country's system that works is Switzerland's. I do not know why the Treasurer does not look at it. He often tells me that he reads about President Milei in Argentina.

The Hon. Daniel Mookhey: I do. I was reading about him today.

The Hon. JOHN RUDDICK: He does, every time I bump into him. I am pleased he has an open mind on it. Why can the Minns Government not cut spending? It has taken some baby steps in winding back free vouchers for this and that, but it is fiddling at the edges.

The Hon. Susan Carter: Shame!

The Hon. JOHN RUDDICK: My dear friend the Hon. Susan Carter says "shame". The Liberal Party disappoints me so much. It is a shame that they cut back vouchers. Oh dear, they are socialists. The raising of this uniquely New South Wales health insurance levy—aka tax—directly impacts the lives of almost five million residents across the premier State—or should I say the "premium State"? This legislation will increase the current health insurance levy, raising the tax from \$1.77 per week to \$3.27 per week per person. The original tax rate of \$1.77 was introduced under the former Government in 2014 via the innocently named Health Services Amendment (Ambulance Fees) Bill 2014. Who could argue with paying more for ambulances? The pitch of that tax was to address the rising cost of ambulance fees. Now the tax is being doubled, but at least the current Government is not dressing up a revenue hike with a fake justification.

The Minns Government estimates this will raise around \$229 million annually, with an ambitious target of nearly \$1 billion over four years. It will fail to meet its revenue target. It will likely only see about 70 per cent of that expected revenue because—surprise, surprise—there will be a significant decline in private healthcare participation and lowered coverage. It will also flow through to an increased burden on the Commonwealth Government. The private health insurance rebate, funded partly by the Federal Government, will rise by \$37 million due to the tax. The Government argues that health funds have super profits that are sufficient to absorb that cost without passing it on to consumers. I do not believe the Treasurer thinks that is true. The Leader of the Opposition, the Hon. Damien Tudehope, was 100 per cent correct. There were larger than usual profits because of the fake pandemic and because people were locked away for no good reason and did not use health services.

The Hon. Anthony D'Adam: It did not happen.

The Hon. JOHN RUDDICK: It was a fake pandemic. It was a bad flu and all the fools opposite fell for it. Those profits are mostly returned to members. I hope the Treasurer will address that in his reply. The new levy will directly increase private health insurance premiums for all New South Wales participants, adding about \$78 per individual and \$156 per family next year. That is an increase of about 4.1 per cent on top of their existing premiums. People will get their insurance bill and there will be a little line item on it saying "State Government tax". It will all be out in the open. With the cost-of-living crisis, caused by global warming fakery and the COVID pandemic, we have inflation. So households across New South Wales, from Cessnock to Cabramatta, will look at

each other across the dinner table and say, "We can't afford it anymore. Let's take a risk with our health and go into the public sector." The Government will not raise the revenue it is claiming to raise.

A significant portion of New South Wales residents, especially younger people and lower income earners, will drop their cover. Modelling provided by the very respected Private Healthcare Australia shows that about 75,000 New South Wales residents will simply opt out of private health insurance. Is the Treasurer proud of that? That careful modelling was sent to Treasury and ignored. I doubt they could have found holes in it. New South Wales has the longest waiting times for elective surgeries in Australia. Under this proposal, public surgery wait times will increase by up to 7 per cent according to the modelling, which sounds right to me. That means more people waiting longer for the care they need and reduced productivity outcomes in the interim. I urge the Government to stop dreaming up new taxes, grow some spine, look at what is happening very successfully in Argentina under President Milei and slash Government spending.

The Hon. SUSAN CARTER (21:48): I contribute to debate on the Health Insurance Levies Amendment Bill 2024. It has been a most instructive debate. Apparently, the reason that this tax or levy—call it what you like—should go ahead is because health insurance is fundamentally bad. According to the Hon. Cameron Murphy, it is okay to tax it, and we should tax it, because it is bad.

Ms Abigail Boyd: It is not a tax.

The Hon. SUSAN CARTER: I acknowledge that interjection. If it hurts like a tax, is going to cost like a tax and is going into the Government's pocket like a tax, what is it other than a tax? One can call it by any name one likes. It can be called a charge, or it can be called a levy. In fact, it is called a levy. Today I had occasion to look at the *Cambridge Dictionary*, which tells us that levy means "to demand an amount of money, such as a tax, from a person or organisation". Whether it is framed as a tax or a levy, it is still money coming out of people's pockets and it is still a broken promise.

The argument is that it is okay to break a promise because it is insurance. How can insurance be fundamentally bad? Ms Abigail Boyd seemed to say that families who paid health insurance were somehow being constrained against their will by evil corporates. The families who are paying health insurance are not high-income earners; they are people who want to make sure they have choices when it comes to health. Why are they a target of this Government? Why are they the focus of the broken promise?

The Minns Labor Government promised no new taxes but, clearly, a year is a long time for Labor promises. We are being presented with new tax after new tax. Land tax is going up. Who does that hurt? It does not hurt landlords; it hurts tenants. In a cost-of-living crisis and a housing supply crisis, Sydney now has the highest rents in the country and a Minns Labor Government land tax hike. Now we are getting an 85 per cent tax increase in the health insurance levy. When was the last time we had an 85 per cent tax increase? Today much has been made of the actions of Mike Baird, and it is fascinating to see that a Liberal Treasurer is apparently the gold standard for this Labor Government. We have a few other Treasurers' suggestions that we would like the Government to take on board. The increase then was not anywhere near the 85 per cent which is now being proposed.

What is so disappointing about the pattern emerging from this Government is that it seems to be focused not on addressing the cost-of-living crisis or giving more money to families but on making the people of New South Wales poorer. It is as if the Government is reaching into our back pockets, taking our money, giving half of it back to us and saying, "Look at what we have given you." Consider the much-vaunted wage increases for frontline workers. Increased wages were offered to health workers, but those same workers were then charged more to pay for parking when they got to work. Land taxes were hiked to make it harder for renters to save for a deposit. The Government has also removed the Coalition's stamp duty reforms, which means that a first home buyer purchasing a median-priced property in Sydney will now have to save for both the deposit and stamp duty. So this Government has made buying a home harder for frontline workers by axing our shared equity scheme.

According to its own figures, the BASIX increases introduced by this Government increased the cost of building an average house in Blacktown by \$7,152 and increased the cost per apartment in a high-rise in Macquarie Park by \$860. How is that helping families cope with getting into a house, paying their rent, paying their mortgage and providing for their health costs? This bill, which will increase the cost of everybody's health insurance, is actually the ultimate irony. Week after week this Government praises itself for its skilful negotiations with the unions and the mutual gains bargaining approach we hear so much about but which has still not borne much fruit, judging by the regular protests outside this building.

Essentially, the issue before us is that the Treasurer wants to significantly increase what private health insurance funds pay for a private patient occupying a single room at a public hospital. There are two ways to go about that: Negotiate with those health insurance funds, or do what we have before us, which is to increase a tax by 85 per cent. Why are we going for the tax increase? What happened to the great negotiation skills that we keep

being told this Government possesses? What happened to the great bargaining skills that we are told, week after week, this Government possesses? How exactly is the mutual gains bargaining approach working when it comes to dealing with health insurers? Apparently, not at all. The Minns Government has been totally unable to persuade the funds to cover that increased fee, so it bailed from the negotiations and is now introducing this bill that will have one effect: to cause everyone's health insurance premiums to rise. And what is the collateral effect of hiking up health insurance premiums in a cost-of-living crisis? It will see around 77,000 health fund members drop out of their insurance.

What happens then? What is the beneficial effect of that for the New South Wales community? None, because it means that the people who were contributing to their health costs are then thrown completely onto the public health system. That means longer waiting times in public hospitals for everyone and higher health costs for the public purse because the Government will now be bearing the entire cost of health care rather than part of it being met through private health insurance. The supreme irony is that the Government is increasing the cost of the very health care it is trying to provide.

Lower private health insurance participation shifts demand from the private to the public system. People are then reliant on public hospitals, increasing strain on the public system through longer waiting times and higher public costs and overworking the healthcare workers, who the Government claims to care about. As has been mentioned before, this Government is actively recommending that members drop their private health insurance to save money in a cost-of-living crisis. The only certainties of life under a Labor Government are taxes and more taxes. I am disappointed to see this Government's economic mismanagement continue to harm the people of New South Wales.

Dr AMANDA COHN (21:56): I feel compelled to contribute to this debate, in response to the opponents of the Health Insurance Levies Amendment Bill 2024. Members know that I take my role as The Greens' spokesperson for health, including mental health, really seriously, and that includes holding the Government and Ministers to account. It is a joy on this occasion to agree so wholeheartedly with the Government, because it is doing an excellent job. Tonight we have heard the Liberal Party and The Nationals declaring their priorities in a healthcare crisis. We have a healthcare crisis, and they are interested in protecting the profit margins not of the private health insurance companies generally but just the nine insurers that are refusing to pay their bills—not the other 44 that are. They have declared their true colours tonight in the interjections. The Hon. Damien Tudehope, not in his speech but when interjecting on other members, said that the solution is that public hospitals should refuse beds to people with private health insurance because nine private health insurers will not pay the bills. Those are the true colours of the Liberal Party and The Nationals.

The Hon. Damien Tudehope: Except it was public patients.

Dr AMANDA COHN: I have only got three minutes left; please let me finish. What we have heard tonight is just a regurgitation of the myth that spending public money on private health cover takes pressure off the public system. I have to commend the excellent work of the former leader of The Greens, Senator Richard Di Natale, who really did the work to point out that that is not the case. That is a myth that has been propping up the profits of the private health insurance companies for years. It is inefficient. When we spend public money on the private system, we are propping up unnecessary care, duplication and inefficiency. When I worked in public hospital emergency departments, I lost count of the number of messes from the private system that I had to fix up. The taxpayer should not be propping up the private health insurance industry. If we reinvested that public money in the public system, people could get the care that they need in public hospitals.

People are desperate to hold on to their private health insurance. I recognise that. Families are desperate to hold onto their insurance because the public system is crumbling. Members have said that things would be much better in an even more privatised system. We need only look at the privatised healthcare system in the United States. In 2024, in one of the wealthiest countries in the world, life expectancy is going backwards because of that privatised system. The bill is fantastic. I commend the comments of my excellent colleague Ms Abigail Boyd. I look forward to the Treasurer reinvesting this revenue in health care and, dare I suggest, putting it towards the wages of nurses and midwives.

The Hon. AILEEN MacDONALD (21:59): I oppose the Health Insurance Levies Amendment Bill 2024 because it does exactly the opposite of what Labor promised to do at the most recent election. Before the election, Labor promised no new taxes and no increases to taxes. Since then, the Government has frozen the land tax threshold, resulting in increased land tax. This bill seeks to do the same with private health insurance. It is nothing more than a health tax on the hardworking families of New South Wales. The Labor Government wants to raise the levy applied to private health insurance customers. It may not seem a lot on the surface but it equates to an increase in premiums of \$78 per year.

The DEPUTY PRESIDENT (The Hon. Peter Primrose): According to standing order, it being 10.00 p.m. proceedings are interrupted.

Adjournment Debate

ADJOURNMENT

According to standing order, members made the following statements.

LOCAL GOVERNMENT CODE OF CONDUCT

The Hon. STEPHEN LAWRENCE (22:01): I reflect on the local government code of conduct and the related procedures code that governs how complaints are handled. Working together, these codes create a system that distorts the role of elected councillors, infringes on free speech and wastes money. I speak as someone with some experience of the codes. As a lawyer, I have assisted people who have been complained against. I have made complaints, and I have also had complaints made against me as a councillor. The complaints against me in 2021 led to lengthy and expensive investigations. I hasten to add that none of the allegations stuck.

I recall the investigator who came out to Dubbo to interview me as the accused person under the code. He was a former police officer and a skilled interrogator. He was very nice at first. We sat down in the council chamber and he asked nicely if I minded if he recorded our conversation electronically. I agreed. He then launched into a detailed series of questions worthy of a homicide investigation. He had some very good angles. My mouth started to go dry and I thought to myself, "Why the hell am I doing this interview?" As I said, it was a lengthy and expensive investigation that went nowhere.

Many of the obligations in the code are good, aspirational aims for behaviour, such as do not act unlawfully, unethically, improperly or unreasonably; do not bully or harass and so forth; and do not bring council into disrepute. However, many of the obligations are highly subjective. For example, the concept of "improper" extends far beyond unlawful or unethical conduct. Should an elected official be accountable to anyone other than the electorate for conduct that is lawful and not unethical but might merely be considered improper on some basis? The concept of "bringing council into disrepute" is even more problematic. That is an inherently unstable norm or rule that, in reality, is used to silence minority councillors. Imagine that a similar charge could be brought against an MP for bringing the Government into disrepute! The harassment provisions are also incredibly broad. For example, they might apply where a councillor offends someone on the basis of their political affiliation and in doing so creates a hostile environment. That sounds like conduct that occurs in Parliament every day.

The procedures code is also draconian and totally inappropriate in its application to an elected official. It creates a convoluted process for the investigation of complaints and, when upheld, the infliction of consequences. In my view, the most outrageous part is found in part 9, which provides that the code process is the only way to make allegations of breach of the code, and that once a complaint is made it must be kept as a secret and not discussed. That creates a system whereby a lawful obligation prevents a councillor from raising allegations of misconduct against a fellow councillor other than through a totally secretive code process. But what if telling the community is the right thing to do and obviously in the public interest? Is the community not entitled to know of serious allegations of misconduct against elected officials, especially if they are candidates for re-election?

The code of conduct has generated a mini industry of investigators who conduct lengthy and complex investigations. The total bill must run to many millions of dollars. There were 4,300 complaints to the Office of Local Government from 2019-20 to 2022-23. Many more complaints would have been made to councils. Most complaints go nowhere, either because they are dismissed or because a council ultimately has no power to substantively act on a finding. The Office of Local Government has broad statutory powers to act on misconduct, but it is inundated with a broad range of complaints and cannot, and perhaps should not, act on less serious matters.

I believe many of the provisions in the codes may be inconsistent with the implied freedom of political communication recognised by the High Court in 1992. The application of that ruling to State government, of which local government is part, has been the subject of case law. Whatever the constitutional niceties, the local government code of conduct is completely inappropriate in its application to persons elected by the community and expected to be frank, fearless and brave in a political role. Last month the local government Minister released a discussion paper entitled *Councillor conduct and meeting practices*. I urge members with an interest in local government to read that paper and consider making a submission.

The discussion paper proposes replacing the code with a two- or three-page aspirational document setting out expected behaviour, and proposes to create a committee consisting of eminent former mayors to determine non-pecuniary conflict allegations. It also proposes that the power to suspend and remove councillors be vested in a quasi-judicial or judicial tribunal, which is not entirely the case at the moment. Those all seem like good ideas. I further suggest that an appropriately independent person or body be vested with the power to quickly make

interim suspension orders in appropriate situations. I believe local government needs to be strengthened and not treated like an inferior level of government. All of the reforms being proposed will work to achieve that, which is a good thing. [*Time expired.*]

ROYAL VISIT

The Hon. RACHEL MERTON (22:06): This evening our sovereign, His Majesty King Charles III, is in Sydney. I celebrate his latest visit to our fair shores and recognise his enormous service to New South Wales and Australia over many years. I also acknowledge the enduring strength, independence and stability of our constitutional monarchy. How lucky we are as Australians to enjoy what remains the best system of government anywhere in the world. The current visit of His Majesty marks the seventeenth time he has come to Australia. That is a remarkable connection to our Commonwealth.

Members who attended the celebration for the bicentennial of the Legislative Council on Sunday, where His Majesty presented the marvellous gift of an hourglass emblazoned with the royal arms, could feel his warmth, love and affection for our State and our people. The very fact that the King, despite his current health challenges, pressed on with his current tour speaks to his commitment to the Australian people. Like millions of other Australians, I am grateful for His Majesty's determination and perseverance in such difficult times. Their Majesties depart Sydney tomorrow, but the memories they have left us on this visit will last a lifetime.

Earlier tonight in the Jubilee Room, I and my good friend and co-chair of the Parliamentary Friends of the Australian Constitution, the Hon. Rod Roberts, had the great honour of hosting our esteemed and much-loved former Governor-General, the Hon. Sir Peter Cosgrove, and the marvellous Lady Cosgrove at an event to celebrate His Majesty's tour. The event was attended by many members of the Legislature, as well as members of the Australian Monarchist League [AML] and Australians for Constitutional Monarchy [ACM], including Philip Benwell, MBE, and Professor David Flint, AM.

It has been a fulfilling time for our pro-Constitution parliamentary friendship group, which was also very pleased to see Premier Minns take up the group's written suggestion of February this year to light up the sails of the Sydney Opera House as part of the King's visit. The Hon. Rod Roberts and I place on record our gratitude to both the AML and the ACM for their wonderful work in promoting the royal visit in the community. The AML did a marvellous job distributing thousands of Australian flags during the visit. It does invaluable ongoing work in promoting our constitutional monarchy in the community. The royal visit reminds us, as legislators, of the strength of our constitutional monarchy.

Our Constitution is now over a century old. It has been tested, and it works. Ongoing polling suggests the constitutional monarchy continues to enjoy deep and strong support in the community. In New South Wales, we should proudly celebrate our constitutional monarchy, which has served us so well. I have stated previously that Her Late Majesty Queen Elizabeth II and her remarkable reign as our sovereign for over 70 years should be properly honoured in this State. Former Premier Dominic Perrottet made an excellent announcement at the time of the Queen's death that a public square near Macquarie Street should be constructed and named after the Queen.

I argue that more should be considered, such as the naming of a major new hospital, like the new Bankstown or Rouse Hill hospitals, after Her Late Majesty; the installation of a statue of the Queen in Martin Place, Circular Quay or Parramatta; or the naming of new schools or scholarships. These are simple but lasting ways for Her Late Majesty's legacy and the role of our constitutional monarchy to be remembered and celebrated by the public. Finally, I suggest that this Parliament commissions a portrait of His Majesty as part of the bicentennial celebrations of this place. The unveiling of the portrait of Her Majesty Queen Elizabeth II was a marvellous moment for the Parliament during her visit in 1992. Our King has now attended both the 150th birthday and the bicentenary of this place. A display of His Majesty King Charles III would be a fine recognition of his enormous service to the past, present and future people of New South Wales. God save the King, and advance Australia fair.

STRATA MANAGEMENT INDUSTRY

The Hon. ROBERT BORSAK (22:10): I speak tonight about the strata management industry in New South Wales, which is an industry that is at the heart of residential life for more than 1.2 million of our citizens. As our State grapples with an unprecedented housing shortage, and as we work to build the hundreds of thousands of apartments needed Australia-wide to alleviate this crisis, it is essential that we address the growing concerns regarding strata management and its impact on apartment living and the cost of housing. The Government's renewed focus on strata management reform is commendable. Its proposed changes aim to enhance transparency, curb conflicts of interest and boost public confidence in apartment living. However, these reforms must go further.

The number of complaints lodged against strata agents, including over 965 in the past five years alone, reveals systemic issues in the industry, including undisclosed commissions, financial mismanagement, overcharging and conflicts of interest. These problems are particularly alarming as we face the challenge of increasing our housing stock. The goal of building 377,000 homes by mid-2029 under the National Housing Accord is critical to addressing the State's housing crisis. Much of the growth will be in apartment developments which are governed by strata schemes. If the strata management industry remains plagued by misconduct and mismanagement, we risk undermining public confidence in apartment living which is crucial to accommodating our growing population.

Recent reforms propose significant changes, such as increasing penalties for non-disclosure of commissions and banning agents from receiving insurance commissions when they do not actively secure the best deals for residents. These are steps in the right direction, but they only scratch the surface of a much deeper problem. The current system allows strata managers to operate with minimal oversight, and this is often to the detriment of the very residents they are meant to serve. Arrangements between insurance brokers and strata managers, where brokers receive commissions and pass them on to the managers, often encourage decisions that benefit the few rather than the broader community of residents. This lack of transparency is unacceptable and calls into question the integrity of the entire industry.

We have seen too many cases where residents, particularly in newly constructed developments, find themselves trapped in situations where strata managers are effectively in control. Residents face rising costs, neglected maintenance and unresponsive strata management. These issues are not isolated; they are systemic. They disproportionately affect first-time home buyers and those who invest in off-the-plan properties, who are expecting a well-managed and well-maintained home. Our housing policies must do more than just build new apartments. They must ensure that those homes are liveable, affordable and well managed. Poor strata management can lead to deteriorating buildings, disputes among owners and financial burdens that can quickly turn the dream of home ownership into a nightmare.

In light of these growing concerns, the Government must address a number of issues. First, the extent of financial mismanagement and conflicts of interest in the industry must be addressed. Second, it must examine the role of developers in appointing strata managers and their influence over strata schemes post-construction. Third, the adequacy of current regulations and enforcement mechanisms must be assessed, including the resourcing of NSW Fair Trading to audit and investigate complaints. Fourth, a review into the effectiveness of current reforms must consider additional measures to protect residents, such as mandatory audits and increased transparency around sinking funds and long-term maintenance plans.

Fifth, strata managers must be required to be licensed and subject to audit by Fair Trading. Sixth, developers of apartment strata entities must offer at least three strata managers for residents to choose from. With the housing crisis in full swing, and with apartment living set to become even more prevalent, we cannot afford to allow the strata management industry to continue operating in a way that erodes trust and burdens residents with excess costs. If we are to promote apartment living as a viable solution to our housing crisis, we must ensure that those homes are properly managed, that the people who live there are protected and that they can actually afford to live in the premises that their hard-earned money has allowed them to buy.

JUNIOR PAY RATES

The Hon. GREG DONNELLY (22:15): I inform the House about a significant campaign being undertaken by the Shop, Distributive and Allied Employees' Association [SDA], which is the union that represents retail, fast food, pharmacy and warehouse workers. When completed, this campaign will have fundamentally altered the retail, fast food and pharmacy sectors across the country. It will have flow-on effects in a number of other industries that employ a large percentage of young people. For full disclosure, I joined the SDA as a young retail worker in Western Australia in 1975, and I have been a proud member of the union ever since. I worked as an official of the New South Wales branch of the SDA between 1986 and 2005. In the last nine of those years I served as the secretary and treasurer of the New South Wales branch.

I also served on the national council and national executive of the union for many years. I recently had the privilege to participate as a New South Wales branch delegate at the SDA National Council meeting in Sydney. The national council is the supreme governing body of the SDA and meets annually to review and discuss the current and future work and priorities of the union that are undertaken at the national level and through its eight branches across Australia. On 6 June this year, the Australian Council of Trade Unions secretary, Sally McManus, and the SDA national secretary, Gerard Dwyer, filed an application in the Fair Work Commission that seeks to change certain retail, fast food and pharmacy awards to pay the full adult rate of pay for workers aged 18 years and over.

It may come as a surprise to some honourable members that young workers in certain industries in Australia do not receive the full adult rate of pay until they reach their twenty-first birthday. Indeed, there are 18-, 19- and 20-year-olds across the State in this situation. Through enterprise bargaining negotiations with some companies, including Bunnings, IKEA, Apple, Dan Murphy's and BWS, the SDA has had success in securing full adult rates of pay at 18 years of age. However, junior rates regimes are still embedded in a number of awards. It should also be noted for completeness that the application before the Fair Work Commission also seeks to lift the rate of pay for workers 16 years of age and under to 50 per cent of the full adult rate, and the 17-years-of-age rate to 75 per cent.

Young people can vote, drink alcohol and join the armed forces. In the eyes of the law, they are treated as adults. The challenge to secure full adult rates of pay for workers 18 years of age and over will continue to be significant. The unreasonable employers who make up the vigorous opposition to the SDA's "Adult Age, Adult Wage" application appear to be setting themselves up to fight the union's claim through the Fair Work Commission to the bitter end. Of course, this is nothing new. The SDA and unions in general have for years, and indeed for countless decades, faced off against unfair and unjust entrenched workplace arrangements and overcome them. Unions play the long game. Once they have committed themselves to an industrial objective, they steadfastly pursue it, sometimes over many years, until it is secured.

The SDA was previously known as the Shop Assistants' and Warehouse Employees' Federation of Australia. On 20 May 1908 it obtained registration as a trade union under the Commonwealth Conciliation and Arbitration Act 1904. It has engaged and prevailed in countless industrial campaigns on behalf of its members and their families since then. This current campaign is no different, and the union will succeed in its objective in due course. It is also worth noting that, internationally, a number of countries, including New Zealand, Canada, South Korea and Belgium, have already removed or restricted in scope sub-minimum wages for young people entirely or for young people 18 years of age and over.

Many young adults between 18 and 20 years of age are facing significant financial responsibilities, including rent, education costs and living expenses. Many are having to support those in their primary household, and a number of others are supporting themselves through university and other education training programs. The cost of living in Australia is high and junior rates for 18- to 20-year-olds do not provide enough income for young workers and, consequently, their households.

The point should also be made that young Australians' bills and rent are not discounted. Therefore, their pay should not be discounted either. By paying young workers a fair and just wage from the start, they will be motivated to pursue long-term career paths within the retail, fast food and pharmacy sectors, contributing to higher job satisfaction and retention rates. This would benefit both workers and the industry, leading to a more experienced and stable workforce. I commend the SDA for its Adult Age = Adult Pay campaign and wish the union a speedy resolution of its claims.

ORANGE PUBLIC SCHOOLS CONCERTS

AUSTRALIAN CHILDREN'S MUSIC FOUNDATION

NSW NATIONALS WOMEN'S COUNCIL

The Hon. SCOTT BARRETT (22:20): For the past three years we in the Central West have been treated to concerts hosted by the public schools of Orange, with contributions invited from each of the public schools in the Orange educational directorate. I was one of the lucky audience members again in September this year when we watched more than 1,000 kids from 16 schools take to the stage of the Orange Civic Theatre, showcasing their talents in singing, dancing and the spoken word. It was such a great opportunity for those kids, who got the experience of performing on the big stage, to a packed house, with full lighting and sound. The event also served as a fundraiser to bring further learning opportunities to the kids of all of those schools, bringing professional performers to the region for dance, drama and music workshops that many of those kids would not otherwise have access to. Think how difficult it would be for smaller schools like Borenore Public School—whose 16 students nailed their choir performance on the night—to facilitate such workshops if not for this collective approach.

Other memorable performances on the night included the Anson Street School group, who had the crowd tapping along to their dance number from *Footloose* and the impeccable diction and comedic timing of Spring Hill Public School students who performed *The Cough*. Of course, these events do not happen without our amazing teachers. In this case the coordinator was the wonderful Rebecca Hilton-Brown, who with the rest of the team—including Andrew McDonald, David Clarke, Alison Clarke and Anthea McAlpine—pulled the event together entirely in a volunteer capacity. A special mention goes to all of the teachers who worked with the kids in their lunch breaks and after school, and put in the hours of preparation and thought that goes into these activities. I thank

them for their contribution and commitment to their kids, their schools and the culture of regional New South Wales.

Tonight many of us heard about the power of music in an event celebrating the Australian Children's Music Foundation. Included in the event were performances from the multi-talented all-round-good-guy Rob Mills; Bailey Pickles, a genius on the piano; and the wonderful kids from Lalor Park Public School. The brainchild behind the foundation also provided the soundtrack to many of my car trips home from daycare—former *Play School* star and OAM recipient Don Spencer. For more than 20 years the organisation has been providing music education and opportunities for children, particularly disadvantaged children, creating access to the joy and power of music and using it to achieve positive educational and behavioural outcomes for our kids.

The stories we heard tonight were all very moving and a testament to the success of the program. It was particularly pleasing for me to hear success stories from regional areas such as Kempsey, Hillston and Arianah Park, where lessons have been delivered in woolsheds, under gum trees and in tiny bush classrooms. There are many different ways to reach and support our kids, and for them to express themselves and build on their sense of worth and community, be that through sport, friends or music—or, ideally, a combination of all those things and many more. It is great to see programs like this providing such a wonderful service. I look forward to seeing more of and supporting the work of the Australian Children's Music Foundation in the future.

I congratulate the NSW Nationals Women's Council, or WoCo, on hosting yet another outstanding annual general conference in the Hunter Valley over the weekend. This year was especially memorable, as it was the first one held under the WoCo's very own constitution—a testament to the tireless efforts of the council to carve out its own unique place in politics. The provision of a crèche throughout the weekend allowed increased participation of parents, exemplifying the council's commitment to a more accessible political landscape where parents and families are not just encouraged to get involved but supported with practical measures. I was one of the parents who used this option. I took my young bloke along for the road trip, and he thoroughly enjoyed the weekend.

I congratulate WoCo's Chair, Kellie Sloane, on her re-election, and thank her and the entire executive team for crafting such a thoughtful and engaging program. I also thank all WoCo members, from far and wide, for their contributions. WoCo demonstrated, once again, the breadth of talent and perspectives regional women have to offer. I congratulate the executive and all those who participated in making it a great conference. Finally, I thank Fran McLoughlin, who has helped me to get set up in my office. It has been a big effort to move me back in here, and she has been invaluable to me.

BRITISH MONARCHY

Ms ABIGAIL BOYD (22:25): The British monarchy is the continuing embodiment of British imperialism and colonialism. It represents invasion, dispossession, and brutal suppression and genocide of Indigenous peoples around the globe. Australian leaders, including the Prime Minister, Anthony Albanese, and the New South Wales Premier over the past few days have bent over backwards simpering and fawning over the so-called King Charles III and his wife, Camilla. Public displays of deference have been the order of the day. Before I go any further, let me clear one thing up: Yes, the current monarch is indeed a human being, but the institution he represents is far greater than any individual. He was not here in his capacity as a person, but in his capacity as the monarch and supposed head of state of this historical colonial outpost of his decaying empire. It is right to criticise and protest his presence and the existence of the institution he represents and upholds.

The monarchy is a decrepit, unjust and dangerous institution. But it is not, as much as we might wish it so, irrelevant. The Crown's historical association with colonialism and its continued presence in Australia lend legitimacy to the existing power structures. Its ongoing operation and presence in the structures of our society provide a veneer of tradition and continuity that mask ongoing injustice. It represents a barrier to decolonisation. Self-determination for First Nations people and a break from colonial structures are impossible while the Crown continues to hold symbolic and constitutional power. We see this power today in countless ways, but let me name just one: the rapid mobilisation of the media elites, and political establishment, in condemning a First Nations woman for daring to overtly, publicly and loudly challenge the monarch.

Solidarity with Lidia Thorpe for her bravery and her courage and for so stridently advocating on behalf of the First Nations community she represents! Her clear-eyed criticism of the so-called King puts the bootlicking establishment to shame. "You committed genocide against our people," she said. "Give us what you stole from us—our bones, our skulls, our babies, our people. You destroyed our land. Give us a treaty. We want a treaty. This is not your land. You are not my king." She saw through the nonsense and the pageantry to recognise this perverse institution for what it is. Let me give another quote, this time from the immortal James Connolly:

We will not blame him for the crimes of his ancestors if he relinquishes the royal rights of his ancestors; but as long as he claims their rights, by virtue of descent, then, by virtue of descent, he must shoulder the responsibility for their crimes.

That is what we are demanding. That is what we are asserting. The institution of monarchy is unjust and must be challenged at its root if we are ever to enjoy the fruits of an egalitarian society. The world continues to suffer the long echoes of colonialism and capitalist-imperialism. The extraction of wealth from colonised lands continues today through multinational corporations, many of them with continuing historical ties to the British Empire. This neo-colonialism and neo-imperialism maintains unequal trade relationships, siphons resources from the global south to the global north and perpetuates underdevelopment in formerly colonised nations.

This wealth and resource extraction is driving the planet to an existential brink. The ecological crisis is playing out along colonial lines. It is the formerly colonised nations of the global south who bear the overwhelming weight of the suffering of climate breakdown and disaster. This is despite playing functionally no role in its creation. The monarchy is not a benign symbol. It is an active impediment to global justice. Its ongoing presence is an anchor that will hold us down and see us drown. We need to, at a minimum, establish Australia as a republic, but we need to go beyond that mere symbolism. A republic must be a step towards dismantling the colonial legacy and creating a truly just and equitable society.

We need to challenge neo-colonialism and pursue economic policies that prioritise social welfare and environmental sustainability if we are to break free from the exploitative structures of the past. We need to actively challenge colonial narratives and begin the process of decolonisation. That means a treaty and treaties with First Nations people, recognising their sovereignty and right to self-determination, and truth-telling. Because the truth is that, under the political economic structures of British imperialism, genocide and colonisation have occurred and continue to this day. The power of imperial domination seems inescapable but, in reality, it can be changed and must be challenged. The days of blind allegiance to the king are coming to an end. Treaties now!

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): The House now stands adjourned.

The House adjourned at 22:30 until Wednesday 23 October 2024 at 10:00.