

## LEGISLATIVE COUNCIL

Wednesday 13 November 2024

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

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

### *Business of the House*

#### CONDUCT OF BUSINESS

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

That, on Wednesday 20 November 2024, proceedings be interrupted at approximately 2.30 p.m., but not so as to interrupt a member speaking, to enable the Hon. Sam Faraway to make his valedictory speech without any question before the Chair.

**Motion agreed to.**

### *Motions*

#### HOMELESSNESS WEEK

**The Hon. NATASHA MACLAREN-JONES (10:02):** I move:

- (1) That this House notes that:
  - (a) 5 August 2024 to 9 August 2024 is Homelessness Week with the theme of "Homelessness Action Now"; and
  - (b) the annual campaign aims to build community awareness, support and government commitment to end homelessness.
- (2) That this House further notes that:
  - (a) homelessness in Australia is worsening daily, affecting physical and mental health, education and employment opportunities for over 122,000 people across the country;
  - (b) according to Yfoundations, over 38,300 15- to 24-year-olds in Australia presented alone to specialist homelessness services, of whom those, 48 per cent had a current mental health issue, with the main reasons why these young people needed help being:
    - (i) 19 per cent—housing crisis;
    - (ii) 15 per cent—domestic and family violence; and
    - (iii) 12 per cent—relationship and/or family breakdown.
  - (c) each night in New South Wales, over 35,000 people are without a place to call home;
  - (d) due to cost-of-living pressures, countless families struggle to maintain their housing;
  - (e) specialist homelessness services are overwhelmed and working above capacity; and
  - (f) the latest figures in the 2024 street count reveal the severity of the crisis, with 2,037 people counted sleeping rough in New South Wales in 2024, a staggering 26 per cent increase from 2023.
- (3) That this House calls on the Government to address this homelessness crisis and provide additional funding for specialist homelessness services and youth housing and support programs to ensure everyone has access to safe, secure housing.

**Motion agreed to.**

#### YOUTH HOMELESSNESS

**The Hon. NATASHA MACLAREN-JONES (10:02):** I move:

- (1) That this House notes the release of Mission Australia's *Youth Survey Homelessness Report 2024* on 1 August 2024.
- (2) That this House further notes that:
  - (a) nearly one in 10 respondents to the youth survey experienced homelessness in 2024;
  - (b) almost half of the respondents reported feeling lonely all or most of the time, with 47 per cent experiencing loneliness compared to 18 per cent of those with stable housing;

- (c) two in five respondents identified as having a mental health condition, with 41 per cent compared to 13 per cent among those with stable housing;
  - (d) nearly half of the respondents found it difficult to fit in and socialise with others, with 46 per cent facing this challenge compared to 26 per cent of those with stable housing;
  - (e) the incidence of strained or poor family relationships was seven times higher among respondents, with 34 per cent compared to 5 per cent among those with stable housing; and
  - (f) two in five respondents sought financial help or were unable to afford essentials like food, housing, school, or transport, with 42 per cent facing this issue compared to 10 per cent of those with stable housing.
- (3) That this House calls for increased investment to end youth homelessness by addressing its diverse causes, from broad prevention measures like alleviating poverty and ensuring adequate affordable housing, to targeted responses that tackle system failures and specific individual and family circumstances.

**Motion agreed to.**

### **VIETNAM VETERANS' DAY**

**The Hon. NATASHA MACLAREN-JONES (10:02):** I move:

- (1) That this House notes that on 18 August we commemorate Vietnam Veterans' Day, marking the anniversary of the Battle of Long Tan in 1966.
- (2) That this House recognises:
  - (a) the emotional toll and hardships that many returning veterans endured due to inadequate support; and
  - (b) that in 1987 they finally received the welcome home parade that they had been denied, with around 22,000 Vietnam veterans marching through Sydney before a crowd of 100,000 Australians.
- (3) That this House expresses its sincere gratitude to the 60,000 veterans who served in Vietnam and remembers the sacrifice of the 523 people who died, along with the more than 3,000 who were wounded.
- (4) That this House further notes the impact of service on the families of veterans.

**Motion agreed to.**

### **FOOTBALL4ALL GALA DAY**

**The Hon. NATASHA MACLAREN-JONES (10:03):** I move:

- (1) That this House acknowledges the success of the NOVA Employment Football4All 2024 Gala Day held in Glenwood on Sunday 15 September 2024.
- (2) That this House notes the Football NSW initiative was introduced in 2008 to promote inclusive and accessible football for individuals of all abilities and the event has grown significantly, providing a day filled with fun, fitness and friendship for hundreds of participants from across New South Wales.
- (3) That this House further acknowledges the significance of the event in promoting the All Abilities football programs across the State, creating an inclusive environment where participants can enjoy the sport.
- (4) That this House congratulates NOVA Employment and Football NSW on their ongoing commitment to fostering inclusion and providing opportunities for individuals of all abilities to participate in sport through this initiative.
- (5) That this House further notes the event was attended by the Hon. Natasha Maclaren-Jones, shadow Minister for Families and Communities, shadow Minister for Disability Inclusion, shadow Minister for Homelessness, and shadow Minister for Youth; the member for Winston Hills, Mr Mark Taylor, MP; and the member for Riverstone, Mr Warren Kirby, MP.

**Motion agreed to.**

### **PARALYMPIC GAMES**

**The Hon. NATASHA MACLAREN-JONES (10:03):** I move:

- (1) That this House congratulates and commends all Australian athletes who competed in the Paris 2024 Paralympic Games for their remarkable achievements and for making the nation proud.
- (2) That this House further congratulates Australia's Paralympic team on their performance, finishing ninth in the overall medal standings with 63 medals, including 18 gold, 17 silver and 28 bronze.
- (3) That this House notes that the 2024 Australian Paralympic contingent was the smallest in 20 years, with 160 athletes representing our nation, highlighting the strength and spirit of Australian athletes.
- (4) That this House acknowledges the achievements of the athletes who competed at the Paris 2024 Paralympic Games, which saw over 4,000 athletes from across the world participate in 549 medal events across 22 sports.
- (5) That this House notes that the games were held in Paris, France from 28 August to 8 September 2024, marking the first time Paris has hosted the Summer Paralympics and the second time France has hosted the Paralympic Games, following the 1992 Winter Paralympics in Tignes and Albertville.

**Motion agreed to.**

**LIVVI'S PLACE GRENFELL**

**The Hon. STEPHEN LAWRENCE (10:03):** I move:

- (1) That this House notes that:
  - (a) on 31 October 2024, a sod turn was held at Taylor Park in Grenfell relating to the coming construction of a Livvi's Place in the park;
  - (b) the sod turn also involved the formal announcement of a 2024 \$651,550 Crown Reserves Improvement Fund grant to help fund the project, which had received earlier funding from the previous Government through the Stronger Country Communities Fund;
  - (c) the event was attended by a large number of community members and elected representatives, including Mayor Paul Best, Stephen Lawrence, MLC, representing Minister for Crown Lands, the Hon. Steve Kamper, MP, Steph Cooke, MP, member for Cootamundra, and a large number of local councillors from the Weddin Shire Council;
  - (d) one particular community member, Emily Essex, played a key role in the event, in recognition of her efforts in first pushing for the creation of the project, including in meetings with local member Steph Cooke and representatives of Weddin Shire Council;
  - (e) Livvi's Place will be an inclusive play space for all children in Grenfell;
  - (f) the Livvi's Place concept is an initiative of the Touched by Olivia Foundation, a charity started in memory of Olivia, who died in November 2006 at eight months of age, of lymphatic malformation;
  - (g) Olivia's parents John and Justine Perkins established the charity within six weeks of Olivia's death and information about its importance can be found at its website [www.touchedbyolivia.com.au](http://www.touchedbyolivia.com.au), including the following:
    - (i) the charity has since changed the lives of families around Australia by connecting families through play with the creation of its Livvi's Place national network of inclusive play spaces;
    - (ii) Touched by Olivia has partnered with government, developers, corporates and community groups to create in excess of 42 inclusive play spaces across Australia; and
    - (iii) in 2017, the Government's release of the Everyone Can Play guidelines was a direct endorsement of its work in inclusive play and the foundation is rightfully proud of its role in securing these standards for others to follow suit both nationally and internationally.
- (2) That this House congratulates everyone involved in this project, especially Emily Essex, which has found the support of two successive State governments and the local shire council.

**Motion agreed to.**

**BUCKENBAH COLLECTIVE HERITAGE BUILDING**

**The Hon. STEPHEN LAWRENCE (10:04):** I move:

- (1) That this House notes that:
  - (a) on the evening of Saturday 2 November 2024, the Buckenbah Collective was formally launched in Geurie, New South Wales;
  - (b) the Buckenbah Collective is located in a beautifully restored heritage building on the main road of the village of Geurie, located 28 kilometres east of Dubbo;
  - (c) located within the premises is a cafe, the Aviary Geurie, a catering business, Terre Rouge Fine Food, and the gallery of Jacinta Haycock, a local artist;
  - (d) the cafe and catering business is operated by Jessica Wood;
  - (e) 45 local tradespeople contributed to the painstaking restoration of the premises over two and half years; and
  - (f) the formal opening was attended by a large number of local residents, supporters and elected representatives, including Mayor Josh Black, Deputy Mayor Phillip Toynnton, Independent Federal member for Calare, Andrew Gee, Stephen Lawrence, MLC, Dugald Saunders, member for Dubbo, and councillors Lukas Butler, Adam Ryan and Jen Cowley.
- (2) That this House congratulates Claire Booth, Libby Wilson, Jessica Wood and Jacinta Haycock on the realisation of their hard work and vision.
- (3) That this House recognises the importance of heritage preservation as a public good for the broader community with social, economic and historical benefits, and their contributions to character and identity of our country towns and regions.

**Motion agreed to.**

**DUBBO CITIZENSHIP CEREMONY**

**The Hon. STEPHEN LAWRENCE (10:04):** I move:

- (1) That this House notes that:
  - (a) on 30 October 2024 a citizenship ceremony was held at the Dubbo Theatre and Convention Centre;

- (b) 40 Dubbo region residents became Australian citizens at the ceremony, which was presided over by Mayor of Dubbo Regional Council, Josh Black;
  - (c) the ceremony was well-attended by community members and other elected representatives, including Deputy Mayor Phillip Toynton, Stephen Lawrence, MLC, Dugald Saunders, member for Dubbo, and a large number of councillors; and
  - (d) the new citizens have come from a variety of backgrounds, including Bangladesh, the Philippines, Nepal, Pakistan, the Republic of Yemen, Sri Lanka and New Zealand.
- (2) That this House acknowledges the growing number of residents in the Central West who have been born overseas and migrated to Australia, with 18 per cent of Dubbo residents born overseas according to the 2021 census.
- (3) That this House further acknowledges:
- (a) the invaluable social, cultural, economic and spiritual community contribution of our multicultural communities to the Dubbo region; and
  - (b) that the residents making this contribution include Australian citizens, permanent residents and those on a variety of visas, including people working in Australia under foreign labour schemes like the Pacific Islander Labour Mobility scheme.

**Motion agreed to.**

### TRIBUTE TO JOHN TRACEY

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

- (1) That this House affirms its deep sorrow at the passing of John Tracey, a dedicated advocate of greyhound racing and champion of regional New South Wales.
- (2) That this House notes:
- (a) John Tracey's lifelong commitment to greyhound racing, beginning as a bookmaker's clerk and expanding into training, ownership and passionate advocacy;
  - (b) his unyielding dedication to the greyhound racing community, especially within regional areas, advocating for the preservation of country racing and supporting initiatives like train trips connecting the city to the bush;
  - (c) his pivotal role as an inaugural board member of the NSW Greyhound Racing Authority, representing regional participants and safeguarding against unnecessary rationalisation efforts;
  - (d) his significant efforts during the greyhound racing ban period, emphasising the social and economic contributions of regional racing, both in public forums and in governmental briefings;
  - (e) his longstanding membership and contributions to the NSW Greyhound Breeders Owners Trainers Association, including voluntary service, governance roles and historical documentation efforts;
  - (f) his invaluable work as an honorary historian of the greyhound racing industry, contributing to displays, research and co-authoring the book *Going to the Dogs: A History of Greyhound Racing in New South Wales* with proceeds supporting charity and welfare;
  - (g) his founding of the Greyhound Welfare Trust and ongoing support for charitable events, rehoming groups, and welfare initiatives; and
  - (h) his profound impact as a mentor, private counsel and dear friend within the greyhound racing community, sharing knowledge and passion freely and asking nothing in return.
- (3) That this House acknowledges the legacy of John Tracey, whose unwavering commitment and generosity have left an enduring mark on the greyhound racing community and regional New South Wales, and sends its condolences to his family and friends.

**Motion agreed to.**

### RED SHIELD APPEAL

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

- (1) That this House notes that:
- (a) on 17 May 2024, the Salvation Army held its 2024 Red Shield Appeal Sydney launch, and the Hon. Mark Buttigieg, MLC was honoured to attend, representing the Premier, the Hon. Chris Minns, MP;
  - (b) significantly, 2024 marks 60 years of the Salvation Army's Red Shield Appeal, an initiative first starting here in Sydney to raise money for the charity's shelter, safety and support services; and
  - (c) the Government contributed \$300,000 to the Salvation Army from the Premier's Discretionary Fund in 2024.
- (2) That this House acknowledges that 2024 marks 60 years of the Salvation Army's Red Shield Appeal.

**Motion agreed to.**

**BATTLE OF CRETE AND THE GREEK CAMPAIGN COMMEMORATION**

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

- (1) That this House notes that:
  - (a) 2024 marks the eighty-third anniversary of the Battle of Crete and the Greek campaign in World War II, where Greek, Australian, New Zealand and United Kingdom forces came together to fight German troops attacking Greece and Crete;
  - (b) each year, the Joint Committee for the Commemoration of the Battle of Crete and the Greek Campaign, led by its president James Jordan and Secretary Nick Andriotakis, arranges a wreath-laying service and a number of church services to honour and remember the Greeks and Australians who served in World War II and our deep and enduring connections;
  - (c) the Hon. Mark Buttigieg, MLC, was honoured to lay a wreath at the service on 18 May 2024 at the Martin Place Cenotaph and attend a church service at the Greek Orthodox Cathedral of the Annunciation of our Lady on 19 May 2024, both hosted by the Joint Committee for the Commemoration of the Battle of Crete and the Greek Campaign;
  - (d) representatives from the Australian Defence Force, the Hellenic Ministry of Defence, consular corps, veteran, Greek and Crete community organisations, members of Parliament, councillors, other community and religious leaders and significantly, families of veterans who fought in the battles, attended the services and the guests included:
    - (i) Major Ed Chan, Aide-de-Camp;
    - (ii) His Eminence Archbishop Makarios of Australia;
    - (iii) Mr Ioannis Mallikourtis, Consul-General of Greece in New South Wales;
    - (iv) the Hon. Matt Thistlethwaite, MP;
    - (v) Councillor Paula Masselos, then Mayor of Waverley Council; and
    - (vi) Councillor Lyndon Gannon, City of Sydney.
  - (e) a second church service was held at the Holy Trinity Garrison Church in Millers Point on 26 May 2024.
- (2) That this House commends the work of the Joint Committee for the Commemoration of the Battle of Crete and the Greek Campaign, particularly its president, James Jordan, secretary, Nick Andriotakis, and Mr Periklis Kougias, in ensuring that the Battle of Crete and the Greek campaign is remembered for generations to come.

**Motion agreed to.**

**PARRAMATTA AND DISTRICT SYNAGOGUE**

**The Hon. SUSAN CARTER (10:06):** I move:

- (1) That this House notes that on Sunday 3 November, the Parramatta and District Synagogue commemorated the 7 October terror attacks.
- (2) That this House notes that, together with community members and representatives of many faiths, the following people were in attendance:
  - (a) Mr Julian Leaser, MP;
  - (b) Mr David Ossip, Chair of the Jewish Board of Deputies;
  - (c) Rabbi Cohavi;
  - (d) Mr Hugh McDermott, MP;
  - (e) the Hon. Damien Tudehope, MLC;
  - (f) Ms Monica Tudehope, newly elected member for Epping;
  - (g) Mr Mark Hodger; and
  - (h) the Hon. Susan Carter, MLC.
- (3) That this House notes that, led by Rabbi Cohavi, the Parramatta and District Synagogue has chosen to respond positively to the terrorist actions of Hamas and establish Western Sydney's first Jewish cultural centre in memory of all those who lost their lives in the attacks.
- (4) That this House notes that the Daat Library and Learning Centre was opened on 3 November and will host cultural activities, workshops and educational programs to foster open dialogue in the community.
- (5) That this House congratulates the Jewish community of Parramatta for their positive and life-affirming response to the October 7 terror attacks, which caused the greatest loss of Jewish life since the Holocaust.

**Motion agreed to.**

**FLORIDA CANNABIS LEGISLATION**

**The Hon. JOHN RUDDICK (10:06):** I move:

- (1) That this House acknowledges that the American state of Florida held a ballot initiative last week on the legalisation of cannabis known as the Florida Amendment 3, the Marijuana Legalization Initiative (2024), and the initiative would have legalised possession of up to three ounces for adults aged 21 and above.
- (2) This House also acknowledges that President Trump, a resident of Florida, on 8 September 2024 publicly advocated a yes vote stating, "someone should not be a criminal for consuming marijuana".
- (3) That this House further acknowledges that 55.8 per cent voted yes to that proposition.

**Motion agreed to.**

### **SPECIAL CONSTABLES**

**The Hon. ROD ROBERTS (10:07):** I seek leave to amend private members' item No. 1541 by replacing the words "Senior Constable" with the words "Special Constable".

**Leave granted.**

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

- (1) That this House recognises the following Special Constables for their professionalism and service during His Royal Highness King Charles III's visit to Parliament on 20 October 2024:
  - (a) Operations Supervisor Scott Pitt;
  - (b) Operations Supervisor Justin Tamplin;
  - (c) Senior Special Constable Simon Gilbert;
  - (d) Senior Special Constable Christopher O'Brien;
  - (e) Special Constable Sean Draper;
  - (f) Special Constable Shannon Granger;
  - (g) Special Constable Anthony Fitzgerald;
  - (h) Special Constable Joshua Vinoya;
  - (i) Special Constable Cade Mascherin;
  - (j) Special Constable Jason Rees; and
  - (k) Special Constable Gavin Heydon.
- (2) That this House further recognises that the Special Constables named embody the values of the NSW Police Force, showing integrity and dedication to their duties.
- (3) That this House commends the Special Constables for their collaborative work with officers from Scotland Yard, members of Parliament, the NSW Police Force and staff of the Legislative Council, Legislative Assembly and the Department of Parliamentary Services, all of whom ensured that the Royal visit was a tremendous success.
- (4) That this House acknowledges the continuing outstanding service that all Special Constables perform daily, protecting the Parliament and the people who work or visit this place.

**Motion agreed to.**

### **KRISTALLNACHT COMMEMORATION**

**The Hon. ROD ROBERTS (10:08):** I move:

- (1) That this House acknowledges that on 10 November 2024, the NSW Jewish Board of Deputies held a Kristallnacht commemoration and the Hon. Rod Roberts, MLC, was honoured to attend along with many guests, including:
  - (a) Ms Allegra Spender, MP;
  - (b) Mr Julian Leeser, MP;
  - (c) the Hon. Yasmin Catley, MP;
  - (d) Dr Marjorie O'Neill, MP;
  - (e) the Hon. Damien Tudehope, MLC;
  - (f) the Hon. Jacqui Munro, MLC;
  - (g) Ms Kellie Sloane, MP;
  - (h) Mr Mark Coure, MP;
  - (i) Mr Matt Cross, MP; and
  - (j) representatives from the consulates of Germany, the United Kingdom, Ireland, Hungary, Greece and Peru.
- (2) That this House notes that:

- (a) Kristallnacht, or the "Night of Broken Glass", commemorates the events of 9 and 10 November 1938, where Nazis set alight and vandalised synagogues, Jewish homes and Jewish businesses around Germany, leaving glass littered over the streets;
  - (b) the Nazis sent 30,000 innocent Jewish men to concentration camps during these pogroms and many were killed;
  - (c) Kristallnacht is considered a precursor for the horrific events of the Holocaust as it was one of the first openly violent attacks on Jewish Germans by Nazis; and
  - (d) the NSW Jewish Board of Deputies commemoration included an insightful keynote speech by Michael Gawenda on "Broken Glass, Shattered Communities: Reflections of a progressive Jewish journalist post-October 7" and a moving service where a memorial candle was lit.
- (3) That this House congratulates the NSW Jewish Board of Deputies, including President David Ossip, and the chair of the Shoah Remembrance Committee, Dane Stern, on conducting such a significant and poignant service.

**Motion agreed to.**

**DARYL MELHAM, AM**

**The Hon. CAMERON MURPHY (10:08):** I move:

This House notes that:

- (a) on 27 October 2024, the Revesby Workers Club hosted a farewell celebration for club president Daryl Melham, AM, as 2024 will be his final year on the board and as club president;
- (b) Daryl Melham served for 44 years on the Revesby Workers Club Board of Directors, and his significant contributions to the club have helped shape it into the progressive and community-based organisation it is in 2024;
- (c) in addition to his long service to the club, Daryl Melham also served as the Federal member for Banks for 23 years from 1990 to 2013;
- (d) the farewell celebration was very well attended by distinguished guests, including current and former members of Parliament; and
- (e) in attendance were the Hon. Chris Minns, MP, Premier of NSW; Kylie Wilkinson, MP, member for East Hills; the Hon. Cameron Murphy, MLC; Lynda Voltz, MP, member for Auburn; the Hon. Rodney Cavalier, AO, former member for Fuller and Gladesville and NSW Minister for Education, Finance and Energy; the Hon. Senator John Faulkner, former Federal Minister for Veterans Affairs, Defence, Environment and Special Minister of State; the Hon. Laurie Ferguson, OAM, former member for Granville, Reid and Werriwa; and Alan Ashton, MP, former member for East Hills.

**Motion agreed to.**

**TÜRKIYE NATIONAL DAY**

**The Hon. CAMERON MURPHY (10:08):** I move:

This House notes that:

- (a) on 29 October 2024, the Republic of Türkiye celebrated its national day, Republic Day, which marks the anniversary of the proclamation of the Republic of Türkiye in 1923;
- (b) the Consul General of the Republic of Türkiye, Ms Belgin Ergüneş, hosted a reception in Sydney on 29 October to mark the 101st anniversary of the Republic of Türkiye; and
- (c) the reception was well attended by distinguished guests including current members of Parliament Lynda Voltz, MP; Julia Finn, MP; Robyn Preston, MP; and the Hon. Cameron Murphy, MLC.

**Motion agreed to.**

**NETBALL NSW AWARDS DINNER**

**The Hon. AILEEN MacDONALD (10:09):** I move:

- (1) That this House notes that:
  - (a) on Saturday 2 November 2024 Netball NSW held its annual awards dinner;
  - (b) members of Parliament and local government members in attendance included the Hon. Steve Kamper, MP, Minister for Small Business, Minister for Lands and Property, Minister for Multiculturalism and Minister for Sport; the Hon. David Harris, MP, Minister for Aboriginal Affairs and Treaty, Minister for Gaming and Racing, Minister for Veterans, Minister for Medical Research, and Minister for the Central Coast; the Hon. Aileen MacDonald, OAM, MLC, shadow Minister for Youth Justice; Ms Lynda Voltz, MP; and Councillor Vincent De Luca, OAM;
  - (c) award recipients included:
    - (i) Hall of Fame inductees Wendy Archer, AM, and Kimberlee Green, OAM;
    - (ii) Dot McHugh, OAM, Administrator of the Year Award, Nicole Oram;
    - (iii) Wendy Archer, AM, Medal Providoor 23s Premier League Player of the Year, Ashleen Morelli;

- (iv) Nance Kenny, OAM, Medal Providoor Opens Premier League Player of the Year, Lauren Woods;
  - (v) Anne Clark, BEM, Outstanding Service Awards, Karen Waud, OAM, Anne Peterkin, Peter Havrlant and Brooke Burton;
  - (vi) Neita Matthews, OAM, Umpire of the Year, Alexandra Brown;
  - (vii) Margaret Corbett, OAM, Coach of the Year, Margaret Stone;
  - (viii) Lynn Quinn Bench Official Award, Calli Miller;
  - (ix) Judy Dunbar Media Award, Nathan Taylor and May Bailey;
  - (x) Marj Groves, AM, Scholarship Award, Monika 'Otai and Dakota Thomas;
  - (xi) Marilyn Melhuish, OAM, Medal Suncorp Super Netball Players of the Year, Jamie-Lee Price and Paige Hadley;
  - (xii) NGS Teacher of the Year Award, Craig Warner, Jasper Road Public School;
  - (xiii) The Kids' Cancer Project Fundraiser Winner, Randwick Netball Association;
  - (xiv) Community Volunteer of the Year Award, Oriwia Brown;
  - (xv) Community Excellence Award, Ku-ring-gai Netball Association; and
  - (xvi) Mens' Netball NSW State Player of the Year, Liam Forcadilla.
- (2) That this House congratulates and commends all award recipients.

**Motion agreed to.**

### **TRIBUTE TO PERCY ALLAN, AM**

**The Hon. DANIEL MOOKHEY (Treasurer) (10:10):**

- (1) That this House mourns the passing of and celebrates the life and contribution of Percy Allan, AM.
- (2) That this House notes the immense contribution he made to parliamentary and political life, most notably, the permanent introduction of the Statement of Public Interest for bills in the Legislative Council.
- (3) That this House acknowledges his distinguished service within the government and the public service, including as a senior advisor to Neville Wran and the head of the New South Wales Treasury for nine years.
- (4) That this House further notes:
  - (a) his long list of achievements in academia, including a long list of publications in mainstream and other media, becoming a Visiting Professor at the Institute of Public Policy and Governance at the University of Technology Sydney and being a prominent member of the Reform Club, an eclectic collective of thinkers and advocates; and
  - (b) that Percy was supported in all his achievements by his partner Philippa "Pip" Smith, who, like Percy, is a member of the Order of Australia and a person of extraordinary accomplishment in her own right, having served for five years as the Commonwealth Ombudsman and sat on a range of industry and corporate boards.
- (5) That this House extends its deepest condolences to the loved ones of Percy Allan.

**Motion agreed to.**

### *Committees*

### **REGULATION COMMITTEE**

#### **Reports**

**The Hon. NATASHA MACLAREN-JONES:** I table the Regulation Committee's *Delegated Legislation Monitor No. 13 of 2024*, dated 13 November 2024.

I seek leave to make a short statement regarding the tabling of the monitor.

**Leave granted.**

**The Hon. NATASHA MACLAREN-JONES (10:11):** I take note of a matter identified in the Regulation Committee's *Delegated Legislation Monitor No. 13 of 2024*. In its monitor the committee made the point that in several recent responses to correspondence from the committee Ministers have sought to justify provisions of a regulation called into question by the committee on the basis that the provision is a continuation of the same or a similar provision of a regulation that had been made as part of a staged repeal process. The committee understands regulations may be made in substantially the same form during the staged repeal process triggered by the Subordinate Legislation Act 1989.

However, the committee is required to scrutinise all disallowable instruments against the same scrutiny principles and cannot disregard a scrutiny concern for being the continuation of an existing state of affairs. The



committee does not consider responses justifying a provision on the basis the provision is historical to be adequate, and requires a substantive response to the specific questions raised by the committee in order to appropriately report on the particular instrument and general trends or issues relating to delegated legislation. The committee will continue to scrutinise regulation in accordance with its established recommendations.

## ANIMAL WELFARE COMMITTEE

### Reports

**The Hon. EMMA HURST:** I table report No. 1 of the Animal Welfare Committee entitled *Proposed aerial shooting of brumbies in Kosciuszko National Park*, dated November 2024, together with transcripts of evidence, tabled documents, submissions, correspondence and answers to questions taken on notice and supplementary questions.

**The Hon. EMMA HURST (10:13):** I move:

That the House take note of the report.

It is incredibly disappointing to be tabling this report today. As chair of this inquiry, I make it very clear that this report—and its findings and recommendations—is not the report that I agreed to and it does not reflect the evidence heard at this inquiry. I prepared a draft report that reflected the evidence of the passionate community members, veterinarians, animal welfare experts and brumby rehoming, and considered the evidence presented by others that gave evidence, including the National Parks and Wildlife Service, the Minister, scientists and the Invasive Species Council.

The original draft report considered all sides of the argument. However, on the balance of that evidence, it was abundantly clear that the New South Wales Government's aerial shooting program was going to lead to extreme animal cruelty, should never have occurred and should not continue under any circumstances. However, the New South Wales Labor Government was not willing to accept that clear and compelling evidence, and instead used its numbers on the committee—combined with the Shooters, Fishers and Farmers Party, which backflipped on its previous opposition to aerial shooting—to ignore all the evidence heard from the other side of the debate and significantly amend and reproduce a report that is extremely biased and that fails to acknowledge the evidence heard by the committee.

I also say I am sorry. I am sorry to the brumbies that have become the victims in all of this. They have been vilified and treated with utmost cruelty since the aerial shooting started, and they did not deserve that. I apologise to the many people who gave their time and expertise to give valuable evidence as to why aerial shooting should not occur. They were heard by me and another committee member. Their evidence and advocacy were not in vain. While their evidence was rejected by Labor and the Shooters, Fishers and Farmers Party, the brumbies were and always will be worth fighting for.

I have fought for many years to protect the brumbies in Kosciuszko National Park from harm, and this fight is not over. My commitment to these animals is to never be silent. My job is to keep fighting for compassion and for the humane treatment of all animals, to call out any political party that sanctions actions that will lead to the suffering of animals, and to encourage those parties to consider the humane alternatives available—and there are humane alternatives. Where there are alternatives to suffering and cruelty, I ask others to really think about one question: Why would we ever, as a human race, fight for the cruellest option when there are options that involve no suffering at all? I will never understand why that can sometimes be so difficult for others to understand. I thank the committee secretariat for their work on a very difficult and contested inquiry. I leave my remarks there, but will have more to say when this matter is debated during committee reports.

**Debate adjourned.**

### Documents

## UNPROCLAIMED LEGISLATION

**The Hon. JOHN GRAHAM:** According to standing order, I table a list detailing all legislation unproclaimed 90 calendar days after assent as at 12 November 2024.

### Visitors

## VISITORS

**The PRESIDENT:** I welcome to my gallery the stepdaughter of the Hon. Jeremy Buckingham, Sienna Best. She is doing work experience in the office of the Hon. Jeremy Buckingham. I wish her a lot of luck.

*Bills***PUBLIC HEALTH (TOBACCO) AMENDMENT BILL (NO 2) 2024****First Reading**

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

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

**Statement of public interest tabled.**

**The Hon. COURTNEY HOUSSOS:** According to standing order, I declare the bill to be an urgent bill.

**The PRESIDENT:** The question is that the bill be considered an urgent bill.

**Declaration of urgency agreed to.**

**The Hon. COURTNEY HOUSSOS:** I move:

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

**Motion agreed to.**

**CANNABIS LEGALISATION (PLEBISCITE) BILL 2024****First Reading**

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

**Second Reading Speech**

**The Hon. JOHN RUDDICK (10:35):** I move:

That this bill be now read a second time.

Last week there was an important election in the United States. Yes, there was a presidential election, but today I am talking about a referendum held in Florida to legalise cannabis. Florida today is a conservative southern state run by a conservative firebrand governor, Ron DeSantis, and home of United States president-elect, Donald Trump. The casual observer may be forgiven for assuming that such a conservative state would vote against legal cannabis but, in the end, over 55 per cent of Floridians voted yes in that referendum. The popular Governor DeSantis advocated for a no vote, but 55 per cent still defied their popular governor and voted yes. We can learn several lessons from the Florida case study.

First, a large and growing percentage of people are coming around to the idea of cannabis legalisation. The time has come for this idea. Second, this is not a simple left-right issue. Support for legal cannabis comes from across the political spectrum based on a wide range of different reasons. Donald Trump himself, who famously has never had a sip of alcohol in his life, was a public supporter of the yes vote in the Florida proposal. Finally, and perhaps most importantly, we should be inspired by the common American practice of direct democracy. Regardless of our view on the underlying merits of cannabis legalisation, New South Wales and Australia should rediscover the benefits of direct democracy. Allow me to unpack these three issues one at a time.

Many ideas in politics seem politically impossible right up to the point when they become politically inevitable. Legal cannabis is reaching that tipping point. Only 20 years ago, public support for legalisation was below 30 per cent in Australia. That increased to 41 per cent in 2019, to 45 per cent in 2022 and finally breaking 50 per cent less than a year ago in a YouGov poll. In that poll, only 31 per cent of people were opposed, and 19 per cent were still not sure. This sharp change in opinion has been mirrored around the world. Just 12 years ago, cannabis was illegal worldwide. Since then, the dam has broken, starting with legalisation in the American states of Washington and Colorado. Since then, cannabis has been legalised in 24 states across America, as well as in Canada, Germany, Uruguay, South Africa, Luxembourg and other nations.

Our cousins across the ditch in New Zealand had a plebiscite on cannabis legalisation which was held in conjunction with their 2020 national election. The yes vote won 48.4 per cent, so it failed. I suspect that if the campaign had not been pitched as a left-right issue then it would have passed. The growing popularity of legalising cannabis has also manifested in Australian elections, with the Legalise Cannabis Party jumping from their previous rounding error result to a position where they are represented in the Western Australian, Victorian and New South Wales parliaments. Other minor parties have now added cannabis legalisation to their platforms. Of course, as a consistent party of principle, the Libertarian Party has supported cannabis legalisation since its founding back in 2001, when it was still a deeply unpopular position. We are very glad to see other parties now jumping on the bandwagon as they read the changing public opinion.

The rising support for cannabis legalisation has passed the tipping point. The time has come to give the citizens of New South Wales a vote on the matter. The reasons for the growing support for legal cannabis are many and varied, and they stretch across the left-right divide. I mentioned earlier that Donald Trump has come out in support of legal cannabis, and his view is not an outlier. Indeed, of the states that just voted for Trump, Alaska, Arizona, Michigan, Missouri, Montana, Nevada and Ohio have all recently legalised cannabis with referendums that received comfortable majorities. That position is also shared by people such as Elon Musk, Donald Trump Jr, Rand Paul, Roger Stone, Robert Kennedy Jr and Vivek Ramaswamy. Indeed, while cannabis is more often seen as a left-wing cause, some of the earliest advocates for legalisation include the father of modern American conservatism, William F. Buckley Jr, and Nobel laureate Milton Friedman.

In Australia the most recent poll showed that legalisation was the preferred option for supporters from the three largest parties, with Coalition supporters splitting 44-38 in favour. Labor supporters split 50-26 in favour, and The Greens supporters split 70-13 in favour. The reason for this cross-party support is that cannabis legalisation can be supported for a number of different reasons. For the classical liberals and libertarians, this is an issue of civil liberties and the belief that adults have the right to control their own bodies and lives. Philosophical liberals do not argue that cannabis is good or bad; instead, we argue that adults should be free to make that decision for themselves, just as we are given the freedom to drink alcohol, smoke tobacco, eat fatty foods or play dangerous sports. Everybody makes mistakes, and life is inherently risky.

But if we value human freedom, then we have to give people the freedom to make mistakes and take risks even if they make decisions that we disagree with. As the Libertarian Party founder Dr John Humphreys noted when discussing drug legalisation back in 2006, "Even under the harshest dictators, people have always been free to do exactly what they are told—but this is not real freedom." In a libertarian world that argument should be enough, but I recognise that I have not yet convinced all of my colleagues to join the libertarian revolution. Thankfully, there are plenty of other sound reasons to support cannabis legalisation. The common left-wing case for cannabis legalisation rests on a concern for the health and wellbeing of drug users. That can manifest in two ways.

Amongst the hippie left, there is a genuine belief in the medical, mental and spiritual benefits of cannabis. That is a line of argument that sparks passionate debate, with plenty of evidence pointing to both benefits and harms from cannabis use. That is not a debate that I can resolve but, as a libertarian, I also do not believe it is my role to make that decision for other adults. Suffice to say, the hippie left is fully invested in the push towards legal cannabis. Beyond the hippie argument, the left-wing case for legalisation is built on the recognition that drug problems are best seen as a health issue rather than a criminal justice issue. I recently visited the injecting room in Kings Cross run by terrific people from the Uniting Church. Those people have dedicated their lives to helping people with very serious drug problems and nudging them towards rehabilitation. Their view is clear: that drug criminalisation causes immense real-world harm. They know and they care.

There is no point denying that cannabis use can be a problem for some people but, equally, there is no doubt that cannabis use is widespread regardless of the legal penalties. If the case for prohibition rests on the idea that we are trying to save people from drugs, then it has not only failed for most people but also condemned thousands of peaceful people to criminal records and police confrontations, pushed millions of people into the unregulated black market, and prevented the effective treatment of drug abuse as a health issue. Those negative outcomes can be particularly hard on people from lower socio-economic groups. If the goal is harm minimisation, then the most effective policy is legalisation and regulation, rather than criminalisation and persecution.

The sensible centrists out there may accept some of the above arguments but are also likely to note that cannabis legalisation has the potential to bring in significant extra tax revenue, free up police and court resources to focus on more serious crimes, and allow for the development of a regulated industry with thousands of jobs. Obviously, those economic arguments are not the only things that matter but, likewise, they should not be entirely dismissed. Cannabis excise taxes will go to the Federal Government, while the State Government will benefit from licensing fees, payroll tax and some of the GST revenue. Whether that money is used to fund the big-spending plans of the major parties or the tax-cutting dreams of the libertarians, we can all agree that our fiscal goals are more achievable with the addition of this new tax-paying industry.

Most conservatives will be unimpressed with the hippie left position, and while they may partly accept the libertarian harm minimisation and fiscal arguments, they will balance that against the need to discourage cannabis use entirely. That is an entirely reasonable position, and I put on record that they may well be correct. Maybe society in general would be better if nobody consumed cannabis. But is state-sponsored prohibition the best way to achieve that? No, it is not. The rules and norms for society can come from one of two sources. Either they are imposed top-down by an all-knowing and all-powerful central bureaucracy, or rules and norms emerge bottom-up from the repeated interactions of stable families, churches and local communities. These are the "little platoons" of society made famous by Edmund Burke.

Burkean conservatives are highly sceptical of central bureaucracy, even in cases where that bureaucracy is promising to temporarily do things that conservatives support. Further, Burkeans understand that the growth in state power directly crowds out the central role of families, churches and local communities. The conservative response to drug problems is not passive libertarian tolerance or big government prohibitions, but rather strong social feedback and guardrails built up by a loving and sometimes strict family and local community. Not only is that approach more likely to be more effective, but it also elevates the importance of family and community above politicians and bureaucrats, and it helps to preserve the independence and autonomy of conservative communities.

For pragmatists, there is the crucial argument that cannabis prohibition has a series of unintended negative consequences that are far more damaging than the underlying problem it is trying to solve. Perhaps the most obvious is that prohibition leads to more organised crime. Most are familiar with the textbook example of prohibition backfiring: The United States's vain attempt to ban alcohol in the 1920s. But that is only one of endless examples of prohibition backfiring.

Prohibition does not stop the cannabis market from existing, but it does ensure that the market is fully controlled by criminals. Those criminals do not pay tax, do not follow regulations, do not respect legal age limits and do not always follow the peaceful norms of polite society. Those criminal networks will attempt to corrupt the police, infiltrate other organisations, use violence to resolve disputes and protect their turf, and can be diverted into other nefarious activities. The best way to help organised crime is to keep cannabis strictly illegal so the criminals remain in control. The easiest way to undermine organised crime is to deprive them of their largest market.

The other unintended consequence of cannabis prohibition is that it can push some drug users into harder and more dangerous drugs. Prohibition means that users are already dealing in the black market, with access to whatever else is being sold by their dealers. Perhaps more importantly, the fear of being caught creates an incentive for both users and dealers to switch into drugs that are relatively smaller and more concentrated, and therefore easier to hide and obviously more harmful. It is certainly possible to argue that cannabis use can result in some crime and bad health outcomes. But the hard reality is that cannabis prohibition results in far more criminality and far worse health outcomes. Despite the best intentions of central planners, their heavy-handed plans simply do not work.

Having said all of that, even if members disagree with the above arguments and believe that cannabis prohibition is working well, there is still one overriding reason to support this legislation. This legislation does not ask members to vote on cannabis legalisation. I am making the far more modest request that we simply allow the people of New South Wales to have their say on this important issue. Many will be surprised to learn that since Federation, New South Wales has conducted 16 plebiscites or referendums on a diversity of issues, including five around alcohol prohibitions.

**The Hon. John Graham:** They have not always gone well.

**The Hon. JOHN RUDDICK:** Well.

**The Hon. Mark Latham:** And to abolish us.

**The Hon. JOHN RUDDICK:** Many will be surprised because we have not had one for four decades, but the Libertarian Party says bring back direct democracy.

**The Hon. Mark Latham:** People voted to keep us. What fools!

**The Hon. JOHN RUDDICK:** Thank you. If members think I am wrongheaded to pursue cannabis legalisation, then let us have that debate in front of the public over the next few years. Let us fully explore the various arguments and counterarguments, and then ultimately allow the voting public to make a free and fair democratic decision. The American approach of allowing direct democracy to decide important binary issues should be an inspiration to anybody who believes in the virtues of democracy. Most legislation does not lend itself to such a binary vote and so most decisions remain with us as the representatives of the people. But when we find clear binary issues, such as the legality of cannabis, we should take the opportunities and let the people decide.

Without a plebiscite to decide this issue, we will remain stuck in a rut. Neither of the major parties will want to champion this reform out of fear of losing a few per cent in the marginal seats, and that is understandable. This is why when the American states have taken this step, it has almost always been not by state congresses but by the people's vote. Our system of government rests on the assumption that people can be trusted to make important decisions. That is a good assumption. Let us give the people the respect they deserve, trust their judgement and trust in the democratic process to make the right decision. This cannabis plebiscite is proposed for the same date as the next New South Wales State election in early 2027. Voters already will be going to the polls

that day. They already will have their minds turned towards political matters. It is appropriate, simple and respectful that we should take that opportunity to ask for direct feedback on issues such as cannabis.

Setting the plebiscite for the next election day will also allow the Government to keep its promise to not address cannabis laws in this term of Parliament. Not only will the consequences of the plebiscite be dealt with in the next term of government but, by turning this decision over to the public, the Government will be fully insulated from any political fallout arising from either outcome. Inevitably, some voters will be disappointed with the outcome, but they will understand that the decision has been made in the fairest way possible and that our politicians have behaved honourably and have improved the quality of our democracy. If there is a majority yes vote, the question will return to this Parliament to debate and haggle over the terms of what "legalisation" means. Obviously, there are details to be nipped out, but the major parties will be relieved of their fear of losing support because, as the Romans said, "Vox populi, vox Dei".

If this legislation is passed, the Libertarian Party will advocate for a yes vote at the plebiscite, but cannabis is not normally a high priority for us. We are mostly concerned with balanced budgets, cutting regulations, free speech et cetera. We would advocate a yes vote not because we have a strong opinion about cannabis but because of the various other reasons I have described today: the innate value of human freedom, the preference for harm minimisation instead of the criminal justice system, the value of a legal tax-paying industry and redirected police resources, our preference for the local community to set guardrails, and our understanding that prohibition leads to the unintended consequences of organised crime and more dangerous drugs. Hopefully, we will be able to convince a majority of New South Welshmen to agree, but we will accept the result either way. I commend the bill to the House.

**Debate adjourned.**

## **THOROUGHbred RACING AMENDMENT (RACING NSW ACCOUNTABILITY) BILL 2024**

### **First Reading**

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

**The Hon. MARK LATHAM:** I seek leave to table a document entitled *Thoroughbred Racing Amendment (Racing NSW Accountability) Bill 2024: Statement of Public Interest*.

**Leave granted.**

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

That the document be published.

**Motion agreed to.**

### **Second Reading Speech**

**The Hon. MARK LATHAM (10:54):** I move:

That this bill be now read a second time.

The Thoroughbred Racing Amendment (Racing NSW Accountability) Bill 2024 is urgently needed to restore integrity to the work of Racing NSW. Due to a lack of accountability for over 20 years, the compliant board of directors, heavily compromised media and politicians, and a power-networking CEO, the racing regulator has lost its bearings, breaching every decent ethical and probity standard. The Hon. Emma Hurst was right in describing it as a lawless organisation. In fact, Racing NSW believes it is the law—free to misappropriate money, present fraudulent accounts, abuse its regulatory power, dispense favouritism, breach workplace laws, intimidate industry participants, mislead Parliament, out whistleblowers and silence its critics by setting its media acolytes upon them.

The impropriety of Racing NSW has been covered up by the media and the major party politicians who protect it. If any other regulator, such as SafeWork, the NSW Education Standards Authority or a health regulator, functioned that way, there would be public outcry and immediate action by the Minns Government to clean out the cronyism supported by the Speakman Opposition, but not Racing NSW. In a State with a long history of scandals, this is quite possibly one of the worst with the corruption of a regulatory body made untouchable by the protection racket around it. Indeed, it is a low point in New South Wales history, with only the crossbench in this place fighting the good fight to clean out these Augean stables.

I can understand why, in drafting the 1996 Thoroughbred Racing Act, the Carr Government did not want to impose ministerial responsibility on the new regulator, Racing NSW. The Minister at that time did not want to be the final arbiter on betting scandals or to ward off so-called colourful racing identities. It was left to a new, supposedly independent body to take over the principal race club powers of the old Australian Jockey Club. However, over time, this Parliament has created a Frankenstein's monster that is unaccountable to a Minister,

unaccountable to ICAC, unaccountable to the Auditor-General, and unaccountable to this House through budget estimates hearings and Standing Order 52.

Racing NSW always had the potential to become a law unto itself, to misuse its supreme powers of licensing, investigation and regulation of the New South Wales racing industry, and this is what has happened. The solution is the transparency and accountability measures in this bill. We have seen them before. During the Russell Balding matter, they were proposed by the shadow Attorney General, Alister Henskens, but Premier Minns had a different set of riding instructions and, following farcical scenes in this place, the Government set aside its Balding bill. My bill replicates the Opposition amendments from a year ago and combines them with the original Government proposal for regular reviews of the Thoroughbred Racing Act. The bill seeks to make four changes.

First, Racing NSW is to be accountable to the Parliament—that is, at budget estimates hearings and under Standing Order 52, the power to compel the production of documents, which Racing NSW has consistently rejected. The point is absolutely relevant. As jurists have consistently said, how can this Chamber make better laws about an organisation that is created like Racing NSW if it does not have documents available to it demonstrating the strengths and weaknesses of what has been happening at the organisation itself? Obviously, to make better laws and to be better legislators, we need to have our Standing Order 52 call for papers power over Racing NSW. The second change is for Racing NSW's finances to be subject to audit by the NSW Auditor-General.

The third is for ICAC to be able to investigate and launch inquiries into Racing NSW. Curiously, in answer to one of his constituents, Minister David Harris said he refers matters about Racing NSW to ICAC, the New South Wales police and the Ombudsman. Under Standing Order 52 I sought to find out what those matters are, but that motion has so far been opposed by the Government. Why is the Minister referring matters when we know ICAC does not have the jurisdiction? This bill will fix up a jurisdictional issue that the Minister has been trying to act on with his references of Racing NSW matters to ICAC. The fourth and final change is for a process of five-yearly statutory reviews of the mother Act so we never again give so much unfettered, unchecked power to Racing NSW.

I now turn to the evidence of law-breaking at Racing NSW, reminding the House that we are talking about a regulator, which is a body entrusted by this Parliament and the people of New South Wales to act with the highest levels of integrity and honesty, and to be impeccable at all times. The key whistleblower has come forward to the Rosehill select committee, and he has also been in contact with me as a member of Parliament. He is a former employee of Racing NSW, well qualified to know about the matters he has reported. He has grown disappointed with the failure of the select committee on Rosehill to act on his sworn evidence of criminality at Racing NSW.

The committee has one meeting left, a deliberative on 29 November at which it will finalise its report and say it has run out of time to do something about Racing NSW. These select committees have a sunset built into them. I have informed the committee of 13 instances of the CEO, Peter V'landys, misleading it, yet no action has been taken under the procedural fairness resolution to call the Racing NSW CEO as a witness to interrogate his breaches of the Parliamentary Evidence Act. The key whistleblower provided sworn evidence of New South Wales and Commonwealth laws being broken. Section 316 of the New South Wales Crimes Act requires citizens to report serious crimes to the police. One would have thought the responsibility of a member of Parliament in this regard is even greater.

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

*Members*

### **REPRESENTATION OF MINISTERS ABSENT DURING QUESTIONS**

**The Hon. JOHN GRAHAM:** In the absence of the Leader of the Government, I will be taking questions on her behalf.

*Questions Without Notice*

### **NURSE WAGES AND WORKFORCE**

**The Hon. DAMIEN TUDEHOPE (11:00):** My question is directed to the acting Leader of the Government. Prior to the Premier's media comments yesterday, when did the New South Wales Government make it clear to nurses that they could have either safe staffing levels or a pay rise but not both? When did the Government make it clear that the de facto pay cap for nurses and midwives is 3 per cent for the next three years?

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (11:01):** I thank the Leader of the Opposition for his question. Firstly, I acknowledge that the issues that the nurses are raising with the Government are serious, which the Premier, the health Minister and the Treasurer have all acknowledged. Like the issues that have been raised by other public sector workers, the Government is keen to engage with nurses to work through the safe staffing level issue raised by the NSW Nurses and Midwives' Association and by nurses themselves.

**The Hon. Sarah Mitchell:** Why are they striking if it is all fine?

**The Hon. JOHN GRAHAM:** I acknowledge the interjection from the Deputy Leader of the Opposition. The Opposition is cheering this on, hoping it goes badly, as it did with the teachers' dispute and others.

**The Hon. Greg Donnelly:** As usual.

**The Hon. JOHN GRAHAM:** As usual.

**The PRESIDENT:** Order!

**The Hon. JOHN GRAHAM:** But remember what happened with those disputes? Remember that teachers' dispute? Serious issues and discussions were brought to the table and how did that end? It ended well, and I hope this situation also ends well, but that is not what those opposite are hoping. They hope it ends badly. They are cheering that on. Imagine doing that.

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

**The Hon. JOHN GRAHAM:** Imagine taking that view when they want the wages cap back.

**The Hon. Chris Rath:** Point of order: It was a very specific question about either safe staffing levels or a wage rise, not about the policies of the previous Liberal Government. I ask that the Minister be drawn back to the question.

**The PRESIDENT:** While I have some sympathy with the point of order, unfortunately I was not able to hear very much of what the Minister was saying because of the constant interjections from the Opposition. The Minister has the call.

**The Hon. JOHN GRAHAM:** The Government's position is clear: reward and reform. That is what the Government is arguing. We want to increase the wages of essential workers and it is easier to do that if there is reform. We fought an election on this issue. The Opposition was for the wages cap; the Government was for reward and reform. We want to do what we can to lift the wages cap and pour money into supporting essential workers. If we can reform the public service in the interests of the public and put more money into wages, let's do that. We did that this week with police, but, again, the Leader of the Opposition barely supported it.

**The Hon. Sarah Mitchell:** We are talking about nurses.

**The Hon. JOHN GRAHAM:** We hope to do the same with nurses. We hope to have those mature discussions, as happened with teachers, police, ground employees—

**The Hon. Greg Donnelly:** Paramedics.

**The Hon. JOHN GRAHAM:** —and paramedics. I am sure the Treasurer will be able to give many more examples than I can. The central issue here is that we are doing exactly what we said we would do at the election. We fought an election on this issue and we are carrying it out. Frankly, I give credit to the rest of the team; I have not been involved in these negotiations, but it is going well as a reform agenda. [*Time expired.*]

**The PRESIDENT:** I remind all members that questions are to be asked at the dispatch box, not from the benches. I have made that point on numerous occasions. I will call members to order if they continue to interject.

**The Hon. DAMIEN TUDEHOPE (11:05):** I ask a supplementary question. If there is not a de facto 3 per cent per year wages cap and negotiations are going well, what is the upper limit for a pay rise for nurses in the currently approved bargaining parameters for the nurses and midwives award?

**The Hon. Emily Suvaal:** Point of order: A supplementary question is asked to seek an elucidation of the original answer. In no part of the Hon. Damien Tudehope's supplementary question was there an elucidation sought about the previous answer. If he wants to ask the question, he can ask it at the next opportunity.

**The PRESIDENT:** There is no point of order. While there is obviously a blurry line—yesterday the Government was correct; today it is not—I will allow significant latitude on these questions. The supplementary question is in order. The Deputy Leader of the Government has the call.

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (11:06):** There is not a de facto wages cap. I invite the Leader of the Opposition to ask the Treasurer about it. I am sure he can give much more detail than I am prepared to. There is an offer from the Government. There is the potential for reform and reward. That is the system we argued for. I come back to where I started, which is this important point: We know there is a case. I hope it does go well because, like those other sectors and their essential workers, nurses need a hand. They are not getting paid a huge amount of money and they do tough work. I hope we are able to sort through these serious issues, as the Treasurer and other members of the Government were able to with safe staffing levels. That was a significant leap forward in the amount of resources invested by the public sector. That is underway, but there is still a lot more work to do. I hope it lands smoothly in the wages space too. We are at the start of this process, not the end.

**The PRESIDENT:** I welcome to the gallery Annabelle Shackleton, a guest of the Hon. Wes Fang. You are very welcome.

### MOSQUITO INFESTATION MANAGEMENT

**The Hon. ANTHONY D'ADAM (11:07):** My question without notice is addressed to the Minister for Water. Can the Minister provide an update on what the New South Wales Government is doing to win the war on mozzies?

**The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (11:08):** Yes, I absolutely can. Summer is almost upon us, so Sydney is gearing up to do battle with our old foe. The mozzies are starting to breed and, at the moment, south-western Sydney is on the front line. I thank the members representing that part of Sydney—the member for Liverpool, Charishma Kaliyanda; the member for Holsworthy; the member for Fairfield—and Liverpool City Council for engaging with us to make sure that we have mobilised on land, on sea and in the air. It is a full-frontal assault on the mozzies in south-western Sydney. We have—

**The PRESIDENT:** Order! There is too much audible conversation in the Chamber. I understand members are enthusiastic, excited and engaged—and that is a good thing—but they also need to be able to hear the Minister, as does Hansard. Members will exercise some restraint. The Minister has the call.

**The Hon. ROSE JACKSON:** We have trucks on the ground, we have boats on ponds and we are now attacking the mozzies via helicopter. We recognise the genuine concern of residents in south-west Sydney who have been hit hard by some of the first mozzie infestations that we have experienced as the weather has warmed up. The Government recognises that the Liverpool water resource treatment plant, which is owned and operated by Sydney Water, has been subject to a larvae infestation. It is taking that incredibly seriously because it is a serious issue. Classrooms in schools are closed and people do not feel like they can enjoy the beautiful outdoors in south-west Sydney. It has been made very clear to me how seriously the Government needs to take the issue. We are mobilising every single tool at our disposal to ensure that we are taking it on.

Pleasingly, I can report to the House that there has already been a 50 per cent reduction in larvae at the Liverpool water resource treatment plant, which is a positive step. The Government is working seven days a week on the problem. I want the residents of south-west Sydney to know that it has the full attention of Sydney Water and the New South Wales Government, to make sure that we get the situation under control. I have heard reports that there has already been a reduction over the past week or so, which is pleasing to hear. Residents of south-west Sydney will be pleased to hear that. I tell you who will not be pleased: the mozzies. The mosquitoes are going to hate the policy, but I say this: The mosquitoes do not run this city; we do. We will attack them on the land, from the sea and in the air. The Government will do everything it can to make sure that there are no Sydney water facilities contributing to mozzie infestations over the coming summer.

**The Hon. Damien Tudehope:** Is that a guarantee?

**The Hon. ROSE JACKSON:** We will do what we can.

### FISHERIES FIT AND PROPER PERSON TEST

**The Hon. SARAH MITCHELL (11:11):** My question is directed to the Minister for Agriculture. Under cross-examination before the Industrial Relations Commission, the lead departmental witness, Dr Andrew Moriarty, gave evidence that agreed safety measures, including applying a fit and proper person test for commercial fishing licences, were awaiting action by the Minister, with no clear timetable available. Now that the commission has refused the application to order Fisheries inspectors to resume night-time inspections that they consider to be unsafe, when will the Minister introduce a fit and proper person test?



**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:11):** I thank the member for the question. The industrial issues that are being discussed in the commission and elsewhere between the Fisheries officers' part of the Public Service Association [PSA] and the department are ongoing. I have talked about them a number of times in the Chamber. I am happy to provide the House with an update on where things are up to. In relation to the specifics of the question about the fit and proper work that we will be doing—

**The Hon. Sarah Mitchell:** It is on your desk.

**The Hon. TARA MORIARTY:** No, it is well and truly advanced. It is something that I signed off on some time ago. The regulation and work on it is well advanced. I have advised the PSA of that. It is well communicated and has been over many months. I look forward to that work being completed. It is an important piece of work. I agree with Fisheries officers that they are entitled to, and it is important that we have, more information available on who is operating commercial fishing boats and who is working on them so that when Fisheries officers are doing their incredibly important work to investigate issues relating to fish stocks and seafood—and there are media reports today of oyster theft on the South Coast; it is really important work—they have access to information that has not been available before. The previous Government did nothing about it. It was sitting on the desks of members opposite for years. I understand the frustration of Fisheries officers because this has been talked about for years. There was no action taken until I became the Minister, but action is now being taken.

**The Hon. Damien Tudehope:** Blame someone else, mate.

**The Hon. TARA MORIARTY:** You guys—you did nothing about this.

**The PRESIDENT:** Order! There are too many interjections. The Minister will speak through the Chair.

**The Hon. TARA MORIARTY:** The previous Government did nothing about it, but we are getting on with the job of dealing with the fit and proper person regime that Fisheries officers are right to expect. Again, the work is well advanced, and I look forward to it being completed soon. In relation to the ongoing disputes between Fisheries officers and Fisheries, I met with the PSA again this week. My door remains open so people can explain to me the things that they require from government to be able to advance safety in their workplace. I am absolutely committed to making sure that they have the safest workplaces possible. As I have said in the House before, the main thing that they have been pushing for, including in their work in the industrial commission, is the use of prohibited weapons. That is outside of my remit. That is a decision that the Government will have to make through police. I will continue to work with Fisheries officers, whom I respect deeply, so they are able to do their work. [*Time expired.*]

**The Hon. SARAH MITCHELL (11:14):** I ask a supplementary question. I thank the Minister for her answer. Could the Minister elucidate the part of her answer about the fit and proper person test where she said that the work is very well advanced? Why, then, did the lead departmental witness indicate yesterday that the work was awaiting action by the Minister, with no clear timetable available? Was he misleading the commission or is the Minister misleading the House?

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:15):** I thank the member for the supplementary question. I do not know what specific evidence was given, line by line, by the department in the industrial dispute. I am happy to check what was said, but I have advised the House that the Government is getting on with the job of delivering on this work that, again, the previous Government did nothing on. I appreciate the frustrations of Fisheries officers because they have been waiting years for the issues to be dealt with. They are very frustrated. Part of the issue that is before the industrial commission and the reason the bans have not been lifted is that they are seeking further information about a report that was done in 2022. Who was in government in 2022? It was the previous Government. It is outstanding work from then that has not been completed.

I am getting on with the job of doing the fit and proper person work that needs to be done. Again, it is important that information about who is operating our commercial fishing operations is available so that Fisheries officers are able to collect the information, access it and make decisions when they are investigating issues relating to fish stocks in order to protect our resource for all of the people of New South Wales. It is important work. Again, I cannot stress enough that I absolutely respect the work that Fisheries officers do. It is incredibly important for protecting fish stocks across New South Wales. I will continue to work closely with them on not just fixing the mess that was left behind by the previous Government but also advancing their opportunities to be able to protect the resource well into the future.

## CRIMES ACT REVIEW

**Ms SUE HIGGINSON (11:17):** My question is directed to the Treasurer, representing the Attorney General. The Roads and Crimes Legislation Amendment Bill 2022 inserted a new part 4AF into the Crimes Act 1900 and commenced on 1 April 2022—a tranche of the draconian anti-protest laws. The bill required that a review of that part be undertaken by the Minister as soon as possible after two years from commencement and that a report into the outcome of the review must be tabled in each House of Parliament within six months after those two years. The statutory period expired on 1 October 2024 and no report has been tabled. Why has the New South Wales Government breached section 214B of the Crimes Act 1900? When will the Government table the statutory report?

**The Hon. DANIEL MOOKHEY (Treasurer) (11:18):** I thank the member for her question and for her ongoing interest in the area. The advice that I have is that the Department of Communities and Justice [DCJ] has undertaken a statutory review, on behalf of the Attorney General, of part 4AF of the Crimes Act 1900. The legislation was introduced in 2022 in the wake of several protest actions that caused major disruptions. I am advised that part 4AF contains section 214A, which makes it an offence to cause damage or disruption to a major facility. As part of the review, DCJ sought public submissions on whether the policy objectives of part 4AF remain valid and if the terms of the legislation remain appropriate for those objectives. I am further advised that DCJ has also considered the impact of the Supreme Court's judgement in *Kvelde v State of New South Wales* [2023].

Part 4AF was introduced by the Roads and Crimes Legislation Amendment Act 2022, which also expanded the offence in section 144G of the Roads Act 1993 to include major roads. Transport for NSW has also separately reviewed those amendments. I am advised that the Attorney-General stated yesterday morning that the statutory review will be tabled at any minute. Given that I heard him say that, I will see if I can get further information for the member and provide it at the end of question time. We will also check the running record to see whether the review has been tabled. If it has not, we will take on notice precisely when it will be.

## INTERNATIONAL MINING AND RESOURCES CONFERENCE

**The Hon. EMILY SUVAAL (11:19):** My question without notice is addressed to the Minister for Natural Resources. Will the Minister update the House on the recent International Mining and Resources Conference held in Sydney?

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:20):** I thank the honourable member for an important question about the International Mining and Resources Conference, which happened in Sydney during the parliamentary break. I am happy to tell the House that we had 9,000 visitors from more than 100 countries. I am told that was a 20 per cent increase from last year. We are excited about those international visitors because they will deliver the investment needed to activate our critical minerals and high-tech metals opportunities across regional New South Wales.

I was fortunate to open the conference with my Federal counterpart, Minister Madeleine King. Incidentally, she spoke about Broken Hill. Being a West Australian herself, she noted that Western Australia is considered the home of mining, but conceded that we have a strong history in New South Wales. Interestingly, she talked about Broken Hill and how its silver, zinc and lead deposits underpinned industrial development and the expansion of the steel-making industry from 1914 to 1939. We also toured a number of exhibits, including the New South Wales Government exhibit and the Geoscience Australia exhibit, where Geoscience Australia and the Geological Survey of NSW collaborate to provide data to support smaller explorers and more exploration across New South Wales.

We also stopped to visit Australian Strategic Materials Ltd, an exciting project in the State's Central West. I even got to hold a gold bullion bar from the Australian Bullion Company Refinery. It weighed 12 kilograms and was pretty impressive. It was manufactured right in the heart of Sydney. As members can see, there are many different parts of and opportunities in critical minerals and high-tech metal industries. I received some really positive feedback about the Government's \$250 million royalty deferral scheme, including from international delegations: the French, the New Zealanders, the Indians and others we met with. It certainly prompted excitement across the industry, and I was happy to promote that across the world.

I update the House that I have written to 265 ASX-listed companies with critical minerals projects to tell them about the scheme that we have introduced and to encourage them to continue their investment process. We know that we need copper to electrify our economy and silver for our solar panels. When the New South Wales mining industry is strong, the New South Wales economy is strong. That is why the International Mining and Resources Conference was a great opportunity for us to showcase 12 projects in New South Wales that are ready

for investment. That means local jobs, particularly for our regional communities. It is fantastic news for the people of New South Wales.

### NATIONAL PRODUCTIVITY FUND

**Ms ABIGAIL BOYD (11:23):** My question without notice is directed to the Treasurer. Federal Treasurer Jim Chalmers has announced a plan to offer States a share of \$900 million if they agree to cut so-called red tape in a supposed bid to boost competition and reduce cost to businesses. He is quoted as saying that States will be rewarded with more revenue if they deliver, in the Federal Treasurer's view, meaningful economic reforms. Is the State Treasurer insulted by the Federal Treasurer trying to tell him how to do his job? Will the State Treasurer jump through the Federal Treasurer's hoops, or chart his own course for the betterment of the people of New South Wales?

**The Hon. DANIEL MOOKHEY (Treasurer) (11:23):** I thank the member for her question. Firstly, anyone can insult me if they offer \$900 million! Call me what you want; I have no issue with it if that is the money being offered, because I am used to Federal Treasurers insulting me and offering no money, or taking money off us. So, no, I am not insulted by the offer. Secondly, it is a good announcement by Federal Treasurer Chalmers. Indeed, I, Federal Treasurer Chalmers, Victorian Treasurer Pallas and others have been arguing, in the Council on Federal Financial Relations and in the Board of Treasurers, to say to the Federal Government that revitalising productivity funds—just like the Howard Government and the Keating Government did in 1995—is a good thing for the Federation. When it comes to productivity reform, it is also a good thing for States incurring transition costs to have access to Federal resources to help pay for them.

Let's bear in mind what that led to in 1995, with the formation of competition policy. For example, that led to the capacity to get rid of conveyance fees, to open up competition to make it much cheaper for people to transact real estate. Equally, that led to us being able to introduce pricing determinations for the Independent Pricing and Regulatory Tribunal when it comes to things like water, so people can be assured that regulated monopolies are not overcharging consumers and taking away people's real wages. That is what that framework led to. That was a good reform, which was initiated by the Keating Government, carried on by the Howard Government and then disappeared. The fact that the Federal Treasurer is putting money on the table for it is a good thing.

As for the areas that have been flagged for reform, who would object to us saying that consumers should have the right to choose where they repair their goods, rather than being forced to use suppliers? For want of a better example, rather than everyone who needs an iPhone repair being forced to use Apple's service exclusively, what is wrong with the idea that you can go to a small business and get them to fix your glass screen—particularly mine—when you bust it? When it comes to commercial and zoning reform, everybody knows—we have the evidence—that some particularly big grocery chains use planning laws to rig the situation so that no-one else can rock up and compete with them. What is wrong with us saying we should act to give consumers more choice? If that is what an insult is, keep insulting me. That is a good thing for the Federation. I look forward to working with Federal Treasurer Chalmers and any successive government to get more for New South Wales.

**Ms ABIGAIL BOYD (11:26):** I ask a supplementary question. I will not comment on the Treasurer's love of being insulted. I instead ask the Treasurer to elucidate his answer. Would paying the State's nurses a fair wage be considered by the Federal Treasurer, as it should be, a meaningful economic reform vital for the State's future productivity, thus making us deserving of some of that \$900 million?

**The Hon. DANIEL MOOKHEY (Treasurer) (11:27):** The member asks a really good question. The competition policy could indeed support the recognition of skills across borders between jurisdictions, particularly for nurses in aged care. That is something that we as a Parliament have already been doing when it comes to automatic mutual licensing reform, which is—

**The Hon. Susan Carter:** The mutual recognition Act had already done it decades ago.

**The Hon. DANIEL MOOKHEY:** I hear the interjections from the Hon. Susan Carter, but when Labor was in opposition, I remember getting the call from Treasurer Perrottet saying, "Thank you for supporting this through Parliament." How good is it that we had bipartisanship on such propositions, particularly when Australia needs more nurses. The idea that nurses can have the opportunity to apply their skills across borders is a good thing. I am very happy to argue for that level of occupancy-equivalent recognition across jurisdictions because it would help everyone, including our nurses. If Federal Treasurer Chalmers is prepared to consider that, that is great. If he is prepared to consider that in a future round, that is just as good. That is the point of being able to partner with the Federal Government on commonsense reform. I appreciate the fact that, with this Federal Treasurer, we can have fights and we might not agree on everything but, when we agree on what is good for the nation and for New South Wales, we can work together.

## ROAD TOLLS

**The Hon. NATALIE WARD (11:28):** My question is directed to the Minister for Roads. Noting the Premier's comment yesterday that he is considering extending tolling agreements with concessionaires until 2065 and that the agreements for the M2, Lane Cove Tunnel, Eastern Distributor and NorthConnex all expire in 2048, what is the maximum extension to those tolling agreements for which modelling has been done following the multimillion-dollar Fels review? Is it five years, 10 years, 15 years or more?

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (11:29):** I am delighted that the shadow Minister has asked me that question. Imagine asking that question when members opposite set the toll concessions out until 2060. That is what the former Government did, having left drivers a toll bill of \$195 billion after privatising those roads. We have paid billions but have \$195 billion still to pay.

Members will be surprised to hear that the shadow Minister is not characterising the Premier's comments fairly, and of course that is not what he said in public. The Premier put the Government's position, which is that we are in a negotiation. We will look for any way to lower tolls, but the best guidance about where the issue is up to is from the Fels report. What Allan Fels and David Cousins said about concession extensions in the interim report was very clear. If the only way to change things was to use tolling concession extensions, that would not be acceptable. If it was part of a broader toll reform, that would be worth considering. They stated:

We pointed out that this would not amount to real reform if it was just an intertemporal transfer of toll burden. However, if it was accompanied by genuine reforms to tolling arrangements it would be more acceptable.

That is a sensible position from Fels and Cousins, and their view will guide the Government. One thing that will not guide the Government is the position of the Opposition, and that is because Opposition members do not even agree on the fundamentals. They do not agree that we should have the toll cap in place. They do not even agree that tolls are too high.

To evidence that, I note the shadow Minister's interview on ABC Radio yesterday, where she was asked four times whether tolls are too high on our roads. The interviewer asked, "Do you think Sydneysiders pay too much to drive on our roads?" The second question was "Natalie Ward, that is not an answer to that question. Respectfully, do you think we pay too much?" The shadow Minister had another go. The host followed up with "I'm going to come at this again. I think we'd all like a clear answer from you on this. Do you think Sydneysiders pay too much to drive on our roads?" The third answer was given. The host asked, "So you're satisfied with how much we pay?" If Opposition members cannot even agree that tolls are too high—a finding of the review and the commonsense view of anyone who is driving on the roads around Sydney at the moment—and if they cannot support the toll cap, how can we possibly take a step forward with bipartisanship?

**The Hon. NATALIE WARD (11:32):** I ask a supplementary question. I did not interrupt the Minister's answer, but I ask that he provide context to the House and provide my full answers on that issue. I invite him to do so to give the House a full picture of what I actually said. But my supplementary question relates to the part of his answer where he referred to Mr Fels. I ask that he elucidate that part of his answer in relation to Mr Fels and his work on the toll review. How many nights' accommodation did Mr Fels and Mr Cousins bill the taxpayer for staying at the Capella hotel at \$800 a night, and for what cost? What hotels did they stay at in addition to the Capella, at \$600 a night? Does the Minister consider that to be value for the taxpayer?

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (11:34):** It is a new question, but I am happy to answer it. Firstly, in relation to the shadow Minister's answers in that radio interview, I think that is a good point. I am happy to table the answers. I am restricted by the time; otherwise, I would have been delighted to.

**The Hon. Daniel Mookhey:** Seek an extension.

**The Hon. JOHN GRAHAM:** If the Opposition would allow me an extension, I would be happy to read the answers. I seek leave—

**The Hon. Damien Tudehope:** No, just answer the question.

**The Hon. JOHN GRAHAM:** But it is fair to ask for the context.

**The PRESIDENT:** Order! The Clerk will stop the clock. The shadow Minister has asked that the Minister table a document, and the Minister has offered to seek leave to table it.

**The Hon. JOHN GRAHAM:** Here is the context, and then I will come back to the—

**The Hon. Natalie Ward:** I ask the Minister to table it.

**The Hon. JOHN GRAHAM:** No, I want to be clear on this. I have sought leave to have the extra time to read the answers out.

**The Hon. Damien Tudehope:** No, to table it.

**The Hon. JOHN GRAHAM:** That is not what I am seeking leave to do.

**The PRESIDENT:** The Clerk will stop the clock. I may have misinterpreted what the Minister was asking. What was the Minister seeking leave to do?

**The Hon. JOHN GRAHAM:** I am seeking leave for an extension of time in order to—

**The Hon. Sarah Mitchell:** You have not finished the time you have yet.

**The Hon. JOHN GRAHAM:** I will not have time to answer both parts of the question. I am seeking leave for an extension of time so that I might read the full transcript of those four questions and the shadow Minister's answers.

**The Hon. Natalie Ward:** Point of order: I am mindful that there is limited time for the Minister to provide a full answer to my supplementary question. If the reading of the full answers will take up all of that time, it is preferable to table the transcript. As earlier indicated, the Opposition would prefer to support giving leave to table that document so that the remaining one minute and 22 seconds can be utilised by the Minister to provide a full answer to my supplementary question.

**The PRESIDENT:** Opposition members are welcome to deny the Minister leave for an extension of time if they wish. Is leave granted?

**Leave not granted.**

**The Hon. JOHN GRAHAM:** After that cover-up, I seek leave to table the transcript of an ABC Sydney radio interview involving the shadow Minister for Transport and Roads on Tuesday 12 November 2024.

**Leave granted.**

**Document tabled.**

**The Hon. JOHN GRAHAM:** I encourage members to read both the questions and the answers, and I promise to return to the topic if I am given the chance. There has been some publicity about the question of costs and value for taxpayers. I am so grateful for the assistance of Professor Allan Fels, a tough customer who has stood up for consumers. He has been great value for money for drivers in New South Wales.

**The Hon. Damien Tudehope:** Did you get a quote from him?

**The Hon. JOHN GRAHAM:** Look, it is not cheap to have Allan Fels assist with toll reform, but let's compare that with the \$195 billion toll bill left by those opposite. We will get every bit of value we need out of it. We need every bit of help we can get to get a good deal for drivers. I would like the help of the Opposition on toll relief, on the toll cap and on toll reform, but we do not have that. We do have Allan Fels' help. I would be happy to put the Opposition up in a hotel too.

**The PRESIDENT:** Order! I call the Hon. Scott Farlow to order for the first time. On a happier note, I welcome to the Parliament students from Marrickville High School who are participating in the Legal Studies and the Legislature program conducted by the Parliamentary Education and Engagement team.

#### WESTERN SYDNEY INTERNATIONAL AIRPORT

**The Hon. BOB NANVA (11:37):** My question without notice is addressed to the Treasurer. Will he inform the House about the economic opportunities that the Western Sydney airport will create? What other opportunities are there to ensure that the investment delivers for the people of Western Sydney and greater New South Wales?

**The Hon. DANIEL MOOKHEY (Treasurer) (11:38):** I also acknowledge the presence of the Marrickville students in the gallery. Marrickville High School is the local catchment school for my kids too, so they may well end up as part of the Legal Studies and the Legislature program in Parliament in about 10 years. Yesterday I was glad to join Business Western Sydney and around 200 participants at the aerotropolis conference in Warwick Farm. The people and businesses of Western Sydney are keenly preparing for the opening of a new international airport in 2026. That airport will add to the economic engine that Western Sydney already is. We are expanding our economic capacity by constructing the airport.

From the moment it opens, the airport will add capacity equivalent to the international airport at Adelaide to Greater Sydney. It is incredible to think about the 10 million passengers who will be able to come through the

new airport each year. Just as impressive is the 200 billion tonnes of cargo-handling capacity that it will have. By 2064 it is expected to be in the same category as Hong Kong, London Heathrow and Tokyo Haneda. While Sydney International (Nancy Bird Walton) Airport will not immediately equal an airport like Heathrow, one advantage we can claim over London is our capacity to expand it. As great as Heathrow is, the same number of planes land there today as 20 years ago. We cannot get stuck in the same planning mire that is strangling the United Kingdom, where the Town and Country Planning Act has all but banned further development. Building this airport is key to adding to our prosperity.

Western Sydney is already Australia's third largest city economically. It already produces \$155.3 billion of total economic output and its 191,000 businesses employ 1.5 million people. The population of Western Sydney has grown at twice the rate of the rest of the State over the past 10 years. All that potential needs places to go. Over the next 30 years, the aerotropolis will add 120,000 jobs to the area. It will also add homes for another 30,000 people. But that has to be the start. With planning reform we should be able to harness the energy of our people for far greater benefits. A second international airport for Sydney has been the subject of debate for my entire lifetime and has taken a generation to achieve. Its outcomes need to be generational too. We need to make the point that expanding this type of infrastructure is the key to reviving productivity. It is not just about airports and other hard infrastructure. We need to add to our capital stock if we expect future economic growth to support higher real wages. It is a good thing that we have bipartisanship on it. We need to continue that.

**The PRESIDENT:** I warmly welcome members of the NSW Nurses and Midwives' Association who are here with us in the gallery today. They are all very welcome. I call the Hon. Wes Fang to order for the first time.

### **NSW POLICE FORCE WAGES**

**The Hon. ROD ROBERTS (11:41):** My question is directed to the Minister for Agriculture, representing the Minister for Police and Counter-terrorism. Following the announcement of the well-deserved salary increase for the men and women of the NSW Police Force, I have been reliably informed that the Commissioner of Police has quarantined 850 sworn officer positions to be able to cover the new pay rise and student police wages. Will the Minister confirm whether this is accurate and guarantee that the loss of 850 sworn positions will not negatively impact upon the force's ability to drive down crime and maintain public safety?

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:42):** I thank the Hon. Rod Roberts for his question. I know he has an ongoing interest in all things police in New South Wales.

**The Hon. Sarah Mitchell:** Vast experience. It's more than an ongoing interest.

**The Hon. TARA MORIARTY:** And I respect his experience. I acknowledge the interjection. This is a question asked of me in my capacity representing the police Minister. In relation to the part of the question about quarantining numbers, I doubt that is the case but I will seek advice and come back to the House. Regarding the broader issue raised, the pay rise negotiated between the Police Association, the police and the Government is a fantastic achievement. It is very well deserved by police in New South Wales. They are entitled to be paid significantly more than they have been for the incredible work they do. I acknowledge the work of the police Minister, the Police Association, the Treasurer, the Minister for Industrial Relations and everyone who has been involved—

**The Hon. Rod Roberts:** And me.

**The Hon. TARA MORIARTY:** Indeed. I thank everyone who has been involved to get to this point. The framework that the Government has set up for bargaining and for these issues to be dealt with for our very important public sector workforce is working. This is a demonstration of that. Again, I congratulate the police on their efforts to negotiate this significant pay rise, which they are very much entitled to. We thank them for their work. They are entitled to be paid more. The pay rises are also important for retention and recruitment, which is at the heart of the question from the member. The Government is doing everything it can to recruit police.

A number of initiatives are underway, many of which I have talked about in the Chamber before. They include paying officers for their training, and that has worked successfully. We have acknowledged that there are issues with the number of officers and that we need more of them. Getting to a point where we have been able to offer, deliver and negotiate with police a pay rise of this significance will go a long way to acknowledging their incredible work and making sure that they are properly compensated for that work. It is a demonstration of what we were elected to do, which is to give better recognition to our public sector workers. Again, police are well entitled to this pay rise. A lot of work has been done in the bargaining process, but due to the specific nature of the question asked I will seek information from the police Minister and come back to the House.

**MINISTER FOR FINANCE**

**The Hon. JACQUI MUNRO (11:45):** My question is directed to the Minister for Finance. Noting that in the debate on the parking fines bill the Minister thanked her husband George "for his wise counsel, astute political antenna, and practical and commonsense approach", what specific wise counsel did he give the Minister, and how is this counsel related to his appearance at the Waverley Local Court on 7 December 2023 in the case of *R v George Arthur Houssos*?

**The Hon. Stephen Lawrence:** Point of order: I am searching for the relevant part of the standing orders, but a question so offensive and disgraceful surely must offend them.

**The Hon. Natalie Ward:** To the point of order: I refer to Standing Order 65 (1). The question is relevant to the Minister's portfolio responsibilities.

**The Hon. Emily Suvaal:** To the point of order: I have taken a similar point of order relating to the naming of individuals in questions in this place and the fact that they should not be named. If I remember correctly, the point of order I raised in the past was to do with the same individual named inappropriately in the question, and it was upheld. I ask that the question be ruled out of order as it refers in two parts to an individual who is not here to defend themselves and has no right of reply in this place. It is also unnecessary to the rest of the question that is being asked.

**The Hon. Sarah Mitchell:** To the point of order: The question is relevant to the Minister's responsibilities in relation to the legislation that she has put through the Parliament. I make the point that the Minister herself named this individual in her contribution. The honourable member is simply asking a question in relation to what the Minister put on record in *Hansard* during debate in the House.

**The Hon. Daniel Mookhey:** Point of order: I take an additional point of order, which I can either make now or after your ruling.

**The PRESIDENT:** I am happy for you to make it now.

**The Hon. Daniel Mookhey:** My point of order relates to sub judice provisions of the Act. The convention in this place is that members are not invited to comment on judicial proceedings in any form, whether they are on foot or if judgements have been made. It invites a reflection on the judiciary for any one of us to canvass matters that have already been canvassed by the judiciary. I ask for that to be considered.

**The PRESIDENT:** Order! I will seek advice from the Clerk. I start with these introductory comments. It is very important that in this Chamber we all reflect on the questions that are asked, particularly as they can relate to either close associates or family members. I know this has happened before. For example, it has happened to the Hon. Natalie Ward. I understand that this has happened throughout the time that I have been here. However, it behoves us all to reconsider going down this path. I ask members to consider that as we continue to work our way through this parliamentary term.

The question has two parts. The first part of the question notes that the Minister made that comment in her contribution to debate on the parking fines bill. Asking "what significant wise counsel did he give the Minister" is in order, and the Minister can answer that part of the question in any way she sees fit. The second part of the question does not contravene sub judice practices. I understand the implication that the Hon. Stephen Lawrence drew. I instruct that the matter be dealt with in the following way: Delete the word "how". The words, "and how is this counsel related to his appearance" implies that there is a causal link. There may or may not be a causal link; that is entirely up to the Minister to answer. Therefore, the question now reads "and is this counsel related to his appearance at the Waverley Local Court on 7 December". I rule the question in order, with that amendment. I encourage all members to reflect on the statement I made at the beginning of my ruling. The Minister has the call.

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:52):** I welcome the opportunity to speak about ticketless parking in this place yet again, particularly because we heard an interesting contribution from the Leader of the Opposition, who was the Minister for Finance who rolled out this particular scheme, which has had pretty—

**The Hon. Rose Jackson:** Wildly unpopular.

**The Hon. COURTNEY HOUSSOS:** Wildly unpopular—I acknowledge the interjection. There has been some pretty overwhelming feedback in opposition to the scheme. I welcome the opportunity to put on record again a bill that will be debated in the other place—

**The Hon. Jacqui Munro:** Point of order: My point of order is relevance. The question is very specific and has been ruled in order. The question is: What specific wise counsel did he give you, and was this counsel related to the court appearance? I ask that you direct the Minister back to the leave of the question.

**The Hon. Daniel Mookhey:** To the point of order: The Minister is only 40 seconds into her answer. I think reasonable bounds would say that her remarks were already directly relevant. Even if they were not, they were clearly introductory in nature as she was being called to the question.

**The PRESIDENT:** The Minister will be given the opportunity to answer the question. I am sure she will do that now. The Minister has the call.

**The Hon. COURTNEY HOUSSOS:** I welcome the opportunity, as I said, to speak about ticketless parking. It is an important bill that will be debated in the other place. I certainly do not want to anticipate the debate that will occur in the other place. I say this: The changes that the Government has brought in, the changes that I have raised with councils for more than eight months, the practical and commonsense changes that the Government is implementing are in direct response to the policies pursued by those opposite. I accept, and have said in this place before, that being in opposition is difficult. When one is confronted with the missed opportunities that one had—

**The Hon. Jacqui Munro:** Point of order: I am honestly sorry to do this, but I asked a very specific question. We have now allowed further time to pass.

**The PRESIDENT:** I uphold the point of order. The question was narrow in its scope. The Minister will come to the question.

**The Hon. COURTNEY HOUSSOS:** I make this point: As the Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources, I have a wide purview of portfolios that I invite Opposition members to ask me questions on; however, if they continue to ask me questions—

**The Hon. Sarah Mitchell:** Point of order: The Minister is now flouting your ruling. You said that the Minister needs to come to the very direct question that was asked by the Hon. Jacqui Munro. Telling us what portfolios she has is not answering the question in relation to the advice that she received. That is what we want to know. She needs to answer the question asked.

**The Hon. Dr Sarah Kaine:** To the point of order: Before the Hon. Sarah Mitchell stood up, the Minister was talking about the question. She literally said the word "question" and was starting to address it.

*[Opposition members interjected.]*

Sorry, are we going to have this occur now?

**The PRESIDENT:** No. Opposition members will cease interjecting.

**The Hon. Dr Sarah Kaine:** Again, to the point of order, the Minister was about to answer the question. In fact, she was talking about the question. She was interrupted by a point of order.

**The PRESIDENT:** Order! I understand the point that the Opposition is making. It is fair. However, the Hon. Sarah Mitchell jumped in too early when the Minister had not finished her first sentence after the previous point of order taken by the Hon. Jacqui Munro. The Minister will come to the question at hand and answer it in the way that she sees fit.

**The Hon. COURTNEY HOUSSOS:** I make that point in saying that if the Opposition wanted to ask a substantive question, in particular for the students who are here from Marrickville High School or the nurses who are in the gallery today, I would be happy to answer that, but instead—

**The Hon. Scott Farlow:** Point of order: While we appreciate the students from Marrickville being here in the gallery, the answer is not within a bull's roar of the question that was asked by the Hon. Jacqui Munro. We ask that the Minister actually adhere to your ruling and answer the question.

**The Hon. Emily Suvaal:** To the point of order: The question asked, "What counsel was given?" None of us here know the answer to that particular part of the question. It could be anything. The Minister is being directly relevant, and it is not for those opposite to determine what that is or what it wants that answer to be. The Minister is being directly relevant in her answer. The continued interruption is not helping.

**The PRESIDENT:** The lack of courtesy being exhibited in this Chamber is appalling. If I were one of the students from Marrickville High School, I do not know what opinion or impression I would have when I walked away from here. If a member is taking a point of order, they will be heard in silence. That has been the



convention of the Westminster system for many, many decades, and it will continue in this place. The Minister will answer the question that has been asked. If she does not have anything further to add that is relevant to the question that has been asked, she can choose not to resume her place at the lectern. It is up to her.

**The Hon. COURTNEY HOUSSOS:** I make this point: I took the opportunity to place on record my thanks to my husband in a moment of personal reflection because of the immense sacrifice that he and all our families make to support us here. I think it is a despicable act for Opposition members to take a moment of personal reflection, which a number of members of Parliament afterwards said they thought was quite a thoughtful thing to do, and seek to politically muckrake. That is on Opposition members, and they will be accountable for their actions. If they want to be part of a do-nothing and say-anything Opposition, then they can enjoy their time on that side of the Chamber, because that is where they will stay. The Government will continue to introduce practical, commonsense and relevant changes for the community and will be applauded for it. I welcome questions from the Opposition about those.

**The Hon. JACQUI MUNRO (11:59):** I ask a supplementary question. Will the Minister elucidate that part of her answer where she spoke about raising this issue with councils? Will the Minister explain when she first considered taking action to raise this matter with councils, and was George Arthur Houssos the first person to draw her attention to a concern with ticketless parking fines?

**The Hon. Cameron Murphy:** Point of order: I was trying to listen carefully to the Minister's answer, but there was a lot of noise. I do not think that formed part of the answer given by the Minister, so I do not think it is a relevant supplementary question.

**The PRESIDENT:** I have expressed on numerous occasions that I will give wide latitude to supplementary questions, which do need to be relevant to the question at hand. This supplementary question is tenuous, but it is on the right side of the line. The Minister may answer any way she sees fit that is directly relevant.

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (12:01):** I refer the member to my previous answer.

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

#### CRIMES ACT REVIEW

**The Hon. DANIEL MOOKHEY (Treasurer) (12:01):** During question time I was asked by Ms Sue Higginson whether I could provide information on when the report required by a bill enacted in 2022 will be tabled. I have received further advice that the report is expected imminently.

#### *Supplementary Questions for Written Answers*

#### NSW POLICE FORCE WAGES

**The Hon. ROD ROBERTS (12:02):** My supplementary question for written answer is directed to the Hon. Tara Moriarty, representing the Minister for Police and Counter-terrorism. Will the Minister confirm whether the Commissioner of the NSW Police Force has quarantined 850 positions to pay for the new police wage rise?

#### NSW POLICE FORCE WAGES

**The Hon. MARK LATHAM (12:02):** My supplementary question for written answer is directed to the Treasurer. Is the Government funding its pay increase to the NSW Police Force by making a cost saving in failing to fill vacant positions in the NSW Police Force? How many positions are involved? What are the details?

**The Hon. Daniel Mookhey:** Point of order: I do not know what answer this supplementary question relates to because, to be fair, I do not think I was asked a question about this matter. I do not think a supplementary question for written answer can be put to a Minister who was not asked about it in question time. I am happy to answer it, and I will voluntarily take it on board. But I understand that a supplementary question for written answer must be put to a Minister who was asked a substantive question.

**The Hon. Mark Latham:** To the point of order: My supplementary question for written answer is clearly supplementary to the question that was asked by Ms Abigail Boyd regarding the Treasurer's payments from the Federal Government, and whether they will be doled out as pay increases to the New South Wales public sector.

**The PRESIDENT:** The question is in order and it will be answered by the Treasurer.

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

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

That the House take note of answers to questions.

**NURSE WAGES AND WORKFORCE**

**The Hon. DAMIEN TUDEHOPE (12:04):** Today the Parliament is confronted by industrial action being taken by the Nurses and Midwives' Association, and questions were asked about the negotiations that are being conducted with the Nurses and Midwives' Association in relation to its demands. That process has been going on for some considerable time, and the Minister in his answer today had the temerity to suggest that the Opposition was barracking for a decision on nurses and midwives that would encourage industrial action. Nothing could be further from the truth.

The Opposition's position on what has been adopted by the Government is that it be fair dinkum. When the Government said it would give them nurse-to-patient ratios, did it tell them it would be in lieu of a pay rise and they should not come back and ask for any more because that is all it will give them? Will the Government wait for industrial action to go on and on for months and all of a sudden tell them there is nothing for them other than the offer of 3 per cent a year for the next three years? That is the Government's offer. That is its failure to negotiate. That is the mutual gains bargaining position that it trumpets high and low in this House day after day.

In many respects, what the Government says to those people who come to Parliament seeking to negotiate in good faith is "We are not a government that is prepared to act in good faith. We have, in fact, given you every single thing which you demanded." They may have had lots of issues with the previous Government, but that Government fronted up to negotiations and they knew where it stood. It was fair dinkum in the negotiation process. It did not say one thing and do another. That is the track record of people like the Electrical Trades Union representative across the Chamber.

That is the Government's track record. That is why there are protests in front of Parliament House day after day, whether it is the Electrical Trades Union, the Nurses and Midwives' Association or the teachers. All of those organisations are confronting a government that is not prepared to deal in good faith. There are members of this House who come from a background with the Nurses and Midwives' Association, and the Nurses and Midwives' Association should be appalled that those members are not out the front of Parliament House advocating on their behalf but are leaving it to Opposition members because we will look after their interests.

**NURSE WAGES AND WORKFORCE****MINISTER FOR FINANCE**

**The Hon. Dr SARAH KAINE (12:06):** This is one of those occasions where I was not going to speak—

**The Hon. Rod Roberts:** You've been mixing with Murphy too much.

**The Hon. Dr SARAH KAINE:** I acknowledge that interjection. I sit next to the Hon. Cameron Murphy, and that has obviously rubbed off on me. But in all seriousness, to quote someone who came before me, I will not be lectured to about workers' rights and negotiating good outcomes by Opposition members, and particularly by the Hon. Damien Tudehope. There was a government that would not talk to workers, that capped wages and that said no. In fact, it demonstrated in all of its activities that it not only did not value workers and unions but it also did not like them. In fact, the Hon. Natalie Ward spoke last week in this House about how driverless trains were indeed a good thing because they would be unionless. Let's not forget which side of this House actually cares about workers' rights. I thank the nurses here today for their service. I thank them for being delegates. I understand that they are disappointed and that they are here to send the Government a particular message. I do not expect them to be happy with the Government at this time, but they should understand that the Opposition is outstanding in its levels of hypocrisy.

On another matter, I take this opportunity to express my disappointment at the question posed to the Minister for Finance. Twice yesterday I spoke about behaviour and respect in political discourse, and I meant that. If we want to talk about disrespect, it is incredibly disrespectful and base to implicate Ministers. The undertone of sexism in that particular question implies and insinuates that the extremely capable first woman to be the Minister for Finance is in some way not able to—

**The Hon. Bob Nanva:** Point of order: I am reluctant to stop the Hon. Dr Sarah Kaine midstream, but there needs to be a level of decorum brought back to the House. I was finding it very difficult—

**The Hon. Natalie Ward:** On both sides.

**The Hon. Bob Nanva:** Even in taking this point of order there has been a stream of interjections. I could not hear anything from the back. A degree of decorum needs to be brought back to the House.

**The Hon. Natalie Ward:** To the point of order: The Hon. Dr Sarah Kaine was yelling her contribution at Opposition members. There is a microphone. She does not need to yell.

**The ASSISTANT PRESIDENT (The Hon. Peter Primrose):** Order!

**The Hon. Natalie Ward:** With respect, I have not finished my point.

**The ASSISTANT PRESIDENT (The Hon. Peter Primrose):** Order! This is not helping. I remind members that all members in this Chamber deserve respect. The people trying to listen to this debate also deserve respect and to be able to hear what is happening. The member has another 14 seconds.

**The Hon. Dr SARAH KAINE:** I ask that we think about the message that we are sending and the questions that we ask and who we are asking them of. [*Time expired.*]

### NSW POLICE FORCE WAGES

#### NURSE WAGES AND WORKFORCE

**The ASSISTANT PRESIDENT (The Hon. Peter Primrose):** Order! Members will come to order. The Hon. Rod Roberts will be heard in silence.

**The Hon. ROD ROBERTS (12:11):** I take note of the answer provided by Minister Moriarty to my question without notice. Members will know that I have long advocated for police officers to be afforded a pay increase. I was heartened to hear the announcement by the Police Association of New South Wales that it, along with the Premier but not the Minister, had come to an agreeable position. The men and women of the New South Wales police do an amazing job under difficult circumstances. They deserve more than just our thanks, as do the nurses and midwives who are walking out of the public gallery at the wrong time! They deserve to be fairly compensated for the sacrifices they make for our community. With any salary increase, the question is always where is the money coming from to meet this new expense.

I was shocked when I was informed by a reliable source that the Commissioner of Police has quarantined 850 sworn officer positions to cover both the pay rise and the student police wages. What does it mean to quarantine a position? It means that the commissioner will not fill those positions with police officers but will instead keep them in the budget to balance the books. This is a problem. As our population grows, so too does the number of officers required to maintain public safety. One would assume that the situation with nurses is exactly the same. This is called "authorised strength". It is a forensic calculation that is performed to ensure that we have a certain number of police officers per capita. By quarantining 850 sworn positions, the commissioner has meddled with this precise calculation and put her thumb on the scales of public safety.

We need to know if this is simply a short-term measure to cover the sudden increase in salary costs, or whether the people of New South Wales will have fewer police officers moving forward. We need to know whether the Minister for Police and Counter-terrorism was consulted or informed of the decision by the commissioner to quarantine 850 sworn positions. Does she agree that it was the right course of action? We need assurances from the Minister that this decision will not negatively impact the ability of the force to drive down crime and maintain public safety. I assure members that there is no greater relief than to hear the sound of distant sirens coming when you are in trouble. I am sure that members of the public feel exactly the same way. Do our men and women standing at the thin blue line know that 850 colleagues will not be coming to their aid? Does the public know this? We need answers.

### FISHERIES FIT AND PROPER PERSON TEST

**The Hon. SARAH MITCHELL (12:13):** I take note of answers provided by Ministers today, in particular the answer by Minister Moriarty about issues in the Industrial Relations Commission [IRC] around Fisheries inspectors and the evidence given by the lead department witness yesterday. I acknowledge that, in her answer, the Minister talked about wanting to come to a resolution on these issues, but she came into this place and said that work on the fit and proper person test is very advanced and that everyone knows that. I asked the Minister the following question as a supplementary question and, frankly, did not get much of a response: Why did the lead departmental witness say yesterday that the fit and proper person test was awaiting action by the Minister and that there was no clear timetable available?

**The Hon. Tara Moriarty:** Careful, I've got the transcript.

**The Hon. SARAH MITCHELL:** I have read the transcript as well. I am concerned about the way that has been presented by the Minister. The Government has made the decision to take this matter to the IRC, ensuring

that it has to make arguments around the application to make Fisheries inspectors resume night-time inspections, which they consider to be unsafe. If the Minister feels that these things are progressing and that she is meeting with the union and wants to find a way forward, why then is the Government choosing to go through an IRC process? Why is it taking inspectors through this process knowing full well that there is more work to do? It is a bizarre way to approach a very serious issue. In the time I have left, I also comment on the question that the Hon. Jacqui Munro directed to the Minister for Finance.

I have not been in this place for as long as some members, like the Assistant President, but I have been here for a little while. When we were in government, I certainly saw many targeted and specific questions directed to members in relation to their spouses. The questions had no links to the responsibilities of the Minister at the time. I completely reject the assertion made by the Hon. Dr Sarah Kaine that this is a sexism issue. This was a genuine question. In her contribution, the Minister made it clear that she had received advice and counsel from the astute political antenna of her husband in relation to the formation of this bill. We now know that there is a potential conflict of interest because her husband was involved in a matter. This Minister has previous form when it comes to conflicts of interest and being able to identify or not identify them appropriately when it comes to her family members. We are allowed to ask questions about that, and we will continue to do so.

**The Hon. Stephen Lawrence:** Point of order: If the member is going to reflect on the Hon. Courtney Houssos, it is my understanding that it should be done by way of substantive motion and not thrown in as a cheap shot in the take note of answers debate.

**The ASSISTANT PRESIDENT (The Hon. Peter Primrose):** I uphold the point of order. Is the Hon. Sarah Mitchell finished?

**The Hon. SARAH MITCHELL:** Yes.

#### NURSE WAGES AND WORKFORCE

**The Hon. MARK BUTTIGIEG (12:17):** I contribute to discussion about our handling of the dispute with nurses. To paraphrase the great Paul Keating, this bloke has more front than Mark Foy's coming to this place after 12 years of a wage cap that suppressed working people's wages. Nurses are in the public gallery and there are industrial disputes on Macquarie Street because working people actually have some hope under this Government. The former Government put in an artificial wage cap for 12 years and gutted the Industrial Relations Commission so that public sector unions felt like they had no recourse for wage rises. Mark my words: This dispute will be resolved, and the nurses will be happier with the outcome than any outcome they would have hoped to get under the former Government.

I will recite some of our achievements over just the past 12 months. All public sector workers have had a 4.5 per cent pay rise, which is better than they could have ever hoped for under that mob opposite. Teachers have had the biggest pay rise in a generation, and retention rates are massively up. We have converted temporary contracts to permanent ones, unlike the insecure work people had under their watch. On top of this, we have just negotiated a deal with the Public Service Association for 80,000 public sector workers to get an increase of 11 per cent over three years. The Health Services Union is over the moon because 50,000 health workers now have salary packaging and a 3.5 per cent pay rise plus 0.5 per cent into superannuation. The Police Association has a 10 per cent per annum rise over four years.

The fact is that public sector workers had no hope under that lot opposite, and they have the hide ask, "Why aren't you fixing the nurses' dispute?" The nurses are protesting because they know they will get an outcome. They have achieved the ratios under our Government, not the former Government. Nurses will achieve wage justice. They will get their outcome because under our system, we sit down, we negotiate and we believe in the industrial relations system. We restored the commission that members opposite gutted. They should pull down the Mark Foy's front and be honest. They hate working people.

#### MINISTER FOR FINANCE

**The Hon. JACQUI MUNRO (12:20):** Mr Assistant President—

**The ASSISTANT PRESIDENT (The Hon. Peter Primrose):** Order! The Hon. Jacqui Munro will be heard in silence.

**The Hon. JACQUI MUNRO:** I take note of answers given by the Minister for Finance. I know that people have decided that they want to have what the Hon. Dr Sarah Kaine referred to in budget estimates as "confected outrage", but the reality is that this is a very serious matter. The Minister for Finance raised the point that George Houssos, her husband, had given "wise counsel", "astute political advice", and a "practical and commonsense approach" to this matter. That is not a general thanks about a sacrifice he has made as part of his

role as a spouse of an MLC. I understand that spouses, partners and family members of MLCs make sacrifices so that we can do our important work.

But what the Minister said in her second reading speech for the bill was that her husband had given specific, astute political advice and wise counsel. That deserves an answer regarding what that wise counsel was, when there is a suspicion that a matter relating to the parking fines bill related to her husband. I asked a supplementary question about this that went to the Minister's advice before she raised it with councils. It was about who else had raised this with her. Who else has given this matter importance to her office and to her as Minister? That is a question. If she cannot answer that, or the answer is that the matter has been entirely brought about because of one individual who happens to be married to her, then that is an issue of probity. It is an issue of process.

**The Hon. Stephen Lawrence:** Point of order—

**The ASSISTANT PRESIDENT (The Hon. Peter Primrose):** There is a point of order. The Clerk will stop the clock.

**The Hon. Stephen Lawrence:** The honourable member has crossed a line between talking in the take-note debate about the questions that were asked and casting aspersions in a way that should occur by way of substantive motion.

**The Hon. Sarah Mitchell:** To the point of order: The member is making very clear her reasons for asking the question and is commenting on the answer that was given by the Minister in relation to these issues, which is entirely what the take-note debate is for.

**The ASSISTANT PRESIDENT (The Hon. Peter Primrose):** The take-note debate is specifically related, as its title suggests, to taking note of answers. I ask the member to bear in mind the purpose of the take-note debate in continuing her contribution.

**The Hon. JACQUI MUNRO:** I note that this is not a gendered attack. This is not a sexist comment. In fact, I suggest that making this about gender is, in itself, sexist. I do not ask the Minister for Finance questions because she is a woman; I ask her questions because she is the Minister for Finance. She is a Minister of the Crown. She has responsibilities to taxpayers, the citizens of New South Wales and all of us to make decisions that are in the best interests of all the people of this State. The idea that she may be influenced by individual members of her family because of their individual circumstances is worthy of question. We will keep asking those questions. *[Time expired.]*

#### MINISTER FOR FINANCE

**The Hon. EMILY SUVAAL (12:24):** I take note of answers given today by Ministers in this place, particularly answers given by my colleague the Hon. Courtney Houssos, the Minister for Finance. In her answers, the Minister particularly made note of the impact that the role and shared responsibility we all have in this place can have on one's family, and the recognition that ought to be given to the sacrifices one's family makes when we are in such a public and sometimes unforgiving place. It is relevant to take note of that, particularly in light of the President's ruling, the words he gave as a preamble to his ruling, and his request to members of this House to reflect on those remarks when making our contributions. The comment is often thrown up, "When we were in government, we got asked X, Y and Z."

**The Hon. Susan Carter:** Point of order: My point of order is on relevance and the appropriateness of this contribution in a take-note debate. It is a very thoughtful, interesting speech, but it is not taking note of an answer given by a Minister.

**The ASSISTANT PRESIDENT (The Hon. Peter Primrose):** The Clerk will stop the clock. Are there any further contributions to the point of order?

**The Hon. Cameron Murphy:** To the point of order: The member is being entirely relevant to the answer given by the Minister, and she should be heard. Everything she is saying about the way the Minister answered and what she said about the way questions are asked in this House is fundamental to what she is speaking about now in the take-note debate. She is taking note of an answer.

**The Hon. Susan Carter:** Further to the point of order: The member was giving a very interesting reflection on comments made by the President. It was not taking note of the answer given by the Minister.

**The Hon. EMILY SUVAAL:** To the point of order: At the commencement of my contribution to the take-note debate, I indicated to the House that I was taking note of that particular part of the Minister's answer where she made a comment about family and the impact this role can have on one's family. I also acknowledge that wide latitude is given in the take-note debate. I was also making comments about other things that relate to those comments of the Minister.

**The ASSISTANT PRESIDENT (The Hon. Peter Primrose):** Without the transcript of the debate, it is very difficult for the Chair to make a decision in relation to these points. I say, again, that the point of a take-note debate is to take note of answers. Where the President's ruling has referred to a particular matter or urged members to consider particular points during the debate, obviously, that needs to be taken cognisance of when considering what a member says in the take-note debate. I urge the member to bear in mind the fact that we are talking about taking note of the answers that were given, but also the fact that the President asked members to be cognisant of various points of the standing orders. The Hon. Emily Suvaal has the call.

**The Hon. EMILY SUVAAL:** Thank you, Mr Assistant President, for your wise ruling and counsel in that matter, as always. In taking note of the answers given by the Minister and, in particular, as I mentioned at the outset of my contribution, the impact that one's position in this place can have on one's family, I urge all members in this House, including those opposite, to carefully consider what contribution they make in this place and how it reflects on them. We on this side of the House take very seriously our responsibility as a government. We are also very mindful of the impact that that may have on one's family. It belittles the important role of this House when members make such personal and pointed attacks, in quite desperate attempts. I stand by my remarks. I urge all honourable members to take note of that ruling. [*Time expired.*]

## INTERNATIONAL MINING AND RESOURCES CONFERENCE

### TICKETLESS PARKING FINES

**The Hon. TANIA MIHAILUK (12:29):** I make a brief contribution. I acknowledge the answer given by Minister Houssos in relation to the International Mining and Resources Conference held recently in Sydney. It was a huge success. It was wonderful to see so many attendees. Over 9,000 people attended and over 800 companies were involved in the conference. It was a wonderful opportunity to showcase the companies that we have in New South Wales and the rest of Australia. A plethora of international companies also showcased the advancements they have made in mining technology, there were many exhibitions, and the Minister, as she rightly said, attended and spoke at the conference.

In relation to the question asked about parking fines, I also make my view known. It is hard to believe the Government would put forward legislation based on what George Houssos might have thought or said on an occasion to his wife. I remember in 2020 when Gladys Berejiklian introduced ticketless parking fines. People have an issue about not knowing they have been fined. They want to see tickets being put onto their car so they can very quickly take photos or decide that they do not want to pay the fine and take the matter to court, which is a matter for them. The Cabinet would have well and truly thought the issue through and would have taken great advice. It is smart strategy because it is what the punters want.

That might be hard for the Hon. Jacqui Munro to understand, but the punters in Western Sydney and south-west Sydney do not want to be notified of a fine by an envelope delivered to their home. They prefer to know straightaway that they have been fined. As a former member for Bankstown and former Mayor of Bankstown, I remember how many times people had an issue relating to fines, and they will raise those matters. I think the Coalition should be very careful about asking these types of questions. There are conflicts of interest all over the place, but I do not think this is one of them. I think the Minister and the Cabinet made a really sound decision in overturning a very poor decision made by Gladys Berejiklian when she decided to implement ticketless parking fines.

## NSW POLICE FORCE WAGES

### NURSE WAGES AND WORKFORCE

**The Hon. SUSAN CARTER (12:32):** I take note of answers given by Ministers Graham and Moriarty in relation to industrial bargaining and pay rises for nurses and police. The Ministers gave very interesting answers that gave a tremendously interesting insight into the industrial relations approach of the Government. It appears as if the Government started with almost a reality TV view of industrial bargaining, like the Oprah show: "You get a pay rise! You get a pay rise! You get a pay rise!" And then all of a sudden those opposite say, "No. We've already given you staff increases, so you can't get a pay rise," or, to the police, "You've got a pay rise, but we won't give you any staff."

We know that the State is critically short of police. Senior members of the Police Force have said they are understaffed and are having to choose between different policing activities, and that senior detectives are being pulled off complex investigations in order to deal with routine matters. We are under authorised strength. It is fabulous that the police are getting a pay rise. They deserve it, as do the nurses. But this Government cannot manage its budget and its industrial bargaining so that we can afford increased nursing staff and a pay rise for nurses. The argument is: increased staff or pay rises. I note the increased staff ratios do not come on board until

2027, so why is the Government saying it cannot afford a pay rise now? That is an interesting approach. The Government is saying it can give the police extra money, but the Police Force cannot fill the positions it needs.

The Government's argument for how the increase in police positions will be paid for is amazing. When the changes went through to the Blue Ribbon scheme, members were all told that the police would not be worse off. How is this huge pot of money magically appearing if injured police will not be worse off? Something does not make sense in the whole scheme of the way this Government is going about its approach. Everybody wants wage justice, and everybody wants fair compensation for fair work. But if this Government is telling the people of New South Wales that we have to choose between fair pay, or having adequate levels of policing, or having adequate levels of nursing staff, then this is a Hobson's choice. [*Time expired.*]

#### MINISTER FOR FINANCE

**The Hon. BOB NANVA (12:36):** I take note of answers given by the Minister for Finance, the Hon. Courtney Houssos. I make the point that the nature of questions asked, and one question in particular with respect to the involvement of family members, tenuously linked to portfolio responsibilities, never turns the dial in favour of those asking the question—never. Electorally, it never turns the dial in favour of the member or of the political party asking the question. I have seen that time and again. I have seen parties of all stripes make the same mistake time and again. The electorate is far more sensible and far more attuned to what members do in this place than we give them credit for. They know what that question was about and they know precisely the opportunism that was being struck in asking that question.

Anyone who thinks that there is ever any upside in asking questions of that nature is deluded. There is never any upside in doing it, but there is collectively a downside for members bringing down the tone and the culture of this Chamber by involving family members in as tenuous a manner as was used today. On that point, it is very clear to those of us who are relatively new to this place that an old institution such as this has many old historic traditions and folklore that are probably well past their use-by dates, including the involving of family members in questions tenuously linked to portfolio responsibilities. It behoves those of us who are newer to this place, with a new lens, to make the change that is required. That includes involvement of family members, tenuously linked— [*Time expired.*]

#### TAKE NOTE OF ANSWERS TO QUESTIONS

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (12:38):** In taking note of answers today I hope that people across the community were paying attention to question time. I always hope that, because it is always entertaining. But the contrast between members on each side of the Chamber today provided a demonstration as to why people voted for change and elected us and why, hopefully, if people have watched today, the Opposition will stay in opposition.

We are getting on with the job of delivering wage rises and improving the industrial relations system so that bargaining can occur. We talked a lot about the successful bargaining between the police and the Government, and it is wonderful that they are getting their pay rise. We will continue to work with the nurses. The Opposition pretending to be a friend of the worker is absolute, utter hypocrisy. Opposition members had 12 years in government, during which time they set a wage cap and sent key workers across New South Wales backwards financially. They did nothing to help them but now pretend to be their friends. As Minister, I am trying to get on with the job of cleaning up Fisheries, a dispute that has been running for almost a decade because the previous Government failed to address the safety and other concerns of Fisheries officers. I will continue to work with them to do that.

I particularly draw attention to the question that was asked of the finance Minister. It was an abhorrent question. It was a demonstration of the Liberal Party's sexism. That they would ask a Minister, who I believe is the first female finance Minister in New South Wales, a question implying that she is taking instructions from her husband is outrageous. Everybody in the community would understand that implication. It is outrageous that women in the Liberal Party are being used to ask those kinds of questions in this Chamber. It is beneath them, it is beneath this Chamber and it is beneath this Parliament. Ministers in this place are here to answer questions about their portfolios. The finance Minister does that very ably and very successfully every day.

The legislation that the Government passed in this Chamber—and that will be dealt with in the other place—relates to significant community concern about how parking fines are issued by councils across New South Wales. The community has raised it broadly since the previous Government introduced the changes. People have concerns about how fines are issued, and they would like to be able to get information about them so they can deal with them in a timely manner. The whole Government made a decision to be on the side of the community

and change the law to make sure that people can access that information. The implication that a female Minister is somehow taking instruction from her husband is beneath the Liberal Party and beneath this Parliament.

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

**The ASSISTANT PRESIDENT (The Hon. Peter Primrose):** Order! I will not hear the point of order. I suspect I know what it may have been, and I would have reiterated my earlier ruling. The question is that the motion be agreed to.

**Motion agreed to.**

*Deferred Answers*

**BROKEN HILL POWER SUPPLY**

In reply to **the Hon. DAMIEN TUDEHOPE** (23 October 2024).

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

I am advised:

Updated information on available recovery assistance in the Far West is available on the Service NSW website. Service NSW's Disaster Assistance Finder feature can help identify relevant assistance that matches individuals' circumstances. The Service NSW website also provides details on the Broken Hill Recovery Assistance Point and outreach locations.

**BROKEN HILL POWER SUPPLY**

In reply to **the Hon. SARAH MITCHELL** (23 October 2024).

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

I am advised:

The New South Wales and Commonwealth Governments have issued a natural disaster declaration for the power outage impacting Broken Hill and the surrounding areas following the severe storms on 17 October 2024. Support for families and businesses that have been made available include:

- The provision of emergency food hampers, \$100 food vouchers, and \$50 fuel vouchers.
- Concessional loans of up to \$130,000 for small businesses and primary producers, and transport subsidies of up to \$15,000.
- The New South Wales Government has announced a community support package that provides a payment of \$200 to impacted individuals, and \$400 to impacted small-to-medium businesses.
- The Commonwealth Government has activated the Disaster Recovery Allowance to provide support for people who have lost income as a direct result of the disaster.

More details of these and other available supports can be found on the Service NSW and Services Australia websites.

**BIRIWAL BULGA NATIONAL PARK**

In reply to **the Hon. EMMA HURST** (23 October 2024).

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

I am advised:

The NSW National Parks and Wildlife Service [NPWS] became aware of a dwelling and historic clearing at a property that encroaches on Biriwal Bulga National Park after processing a boundary fencing assistance application in 2021 in the wake of the Black Summer bushfires of 2019-20.

A minor encroachment was verified. However, the construction of the dwelling predates gazettal of Biriwal Bulga National Park. This issue is therefore being managed as a historical encroachment.

There had also been minor clearing of the pre-existing fence line on the boundary between the property and Biriwal Bulga National Park, which is consistent with fencing agreements across the State.

NPWS has received allegations of commercial puppy farm operations associated with the property occurring within Biriwal Bulga National Park.

NPWS investigated the allegation of dog breeding operations within Biriwal Bulga National Park in June 2023. No evidence of dog breeding operations within the park was observed during the investigation.

The allegation of dog breeding on private property was referred to Port Macquarie Hastings Council, which is the relevant authority for matters on private land.



**BROKEN HILL POWER SUPPLY**

In reply to **the Hon. SCOTT BARRETT** (23 October 2024).

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

I was first advised that the second generator, known as "gas turbine 1", was inoperable as part of a briefing on the storm event on 17 October 2024.

On 23 October 2024, Transgrid advised my office that "gas turbine 1" tripped during a planned outage in November 2023 but was returned to service following minor repairs. Transgrid advised that it took "gas turbine 1" offline for a major refurbishment in September 2024 and discovered a major defect which, if not repaired, could lead to a catastrophic failure.

Both IPART and the Australian Energy Regulator are investigating Transgrid's compliance with its regulatory obligations.

**KOALA PROTECTION**

In reply to **Ms SUE HIGGINSON** (23 October 2024).

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

I am advised:

While there are no current plans to prepare guidelines under chapter 4 of the Biodiversity and Conservation SEPP 2021 (Koala Habitat Protection), councils are able to, and do, prepare and update koala plans of management [KPOM] without the guidelines being in place.

Chapter 3 of the SEPP applies to rural zoned land in 74 local government areas [LGAs] and chapter 4 applies to non-rural zones in those 74 LGAs and all zones in nine metropolitan LGAs.

Since the original SEPP [SEPP 44] was introduced in 1995, nine council-wide KPOMs have been made in Blue Mountains, Central Coast, Hawkesbury, Hornsby, Ku-ring-gai, Northern Beaches, Liverpool, Campbelltown, and Wollondilly LGAs.

*Written Answers to Supplementary Questions***WILDLIFE SAFETY AND ROADS**

In reply to **Ms CATE FAEHRMANN** (12 November 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 most recent advice from Lendlease is that the permanent fencing and koala grids will be completed by early 2025 and the underpasses will be completed by mid-2025.

**POLICE BLUE RIBBON INSURANCE SCHEME**

In reply to **the Hon. DAMIEN TUDEHOPE** (12 November 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:

I am advised:

The total cost to the New South Wales Government of the Police Blue Ribbon Insurance Scheme [PBRI] is \$724 million for 2023-24.

Launched on 1 October 2024, the Enhanced Police Support Scheme [EPSS] aims to improve return-to-work outcomes and complements wellbeing initiatives under the new Health Safety and Wellbeing Command. Its costs are expected to align with the outcomes of these initiatives.

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

*Private Members' Statements***RURAL AND REGIONAL MATERNITY SERVICES**

**The Hon. SARAH MITCHELL (14:00):** I make some remarks about issues around maternity services in rural and regional communities. I do so in light of the birth trauma inquiry that the House recently conducted. I had made comments about it in the take-note debate on the Government's response to the inquiry's report, which, I believe, was finished yesterday. I was not here yesterday because I was unwell, so I did not get to finish my remarks. I ask for some indulgence to finish what I was saying in that debate, but I also will talk about it as a more

general issue. As I said in relation to the Government's response to the report of the Select Committee on Birth Trauma, it was a good inquiry that raised real issues about what women and families are going through when they have a birth experience that is not ideal and the long-term impacts that can have.

Given that the Government has given support either fully or in principle to the majority of the recommendations, it is important that we see tangible improvements in the space. I know it is not easy. The issues have not happened overnight. But now that the issues have been raised genuinely with the Parliament, all members have a responsibility to make sure that we provide better birthing experiences for women and families in this State. What particularly concerns me at the moment—and, again, they are issues that I have raised in this place before—is what we are seeing in terms of accessing maternity services, particularly in the north-west, where I live.

I note that Opposition members raised those issues with the Minister for Health during estimates, and he spoke about providing more support for recruitment and retention of midwives, in particular in the Tamworth area. I have a real concern that we are almost inadvertently creating another layer of birth trauma for women and families in those areas. As someone who had both of their children at Gunnedah Hospital, I had excellent care. That is now not readily available to other women and families. I know women who are worried about what will happen when they go into labour. There were always birthing opportunities in Gunnedah. If that did not happen—if there were complications or staffing issues—you could then go to Tamworth. That was considered fairly standard practice. The concern now is that people are getting turned away from Tamworth.

I know women who have had to go to places like Inverell or down to the Hunter, which means several hours of travel on their own while in labour. It is not an ideal situation, and it has declined over the past 18 months. It is important that we provide women with the opportunity to give birth in their local community as much as possible. If that is not possible, they must be able to go to their local rural referral hospital, which, in our case, is in Tamworth. To know that pregnant women are turned away at Tamworth and that they are anxious about where they will give birth is not okay. It should not be happening in New South Wales in 2024. The Government needs to look at investing more in that space and making sure that we have the workforce available so that women in this State do not have another layer of birth trauma.

### **DOMESTIC AND FAMILY VIOLENCE YASS WALK**

**The Hon. CAMERON MURPHY (14:03):** The Rotary Club of Yass, in cooperation with Yass police, has arranged a friendly walk to take place on Friday 6 December in a stand against domestic and family violence. Assembling at 10.15 a.m. on the Yass Police Station's front lawn, the walk will commence at 10.30 a.m. and conclude with a barbeque at Coronation Park. The Yass walk forms part of Rotary's broader call to action against the devastating reality of domestic violence in Australia. After attending a funeral for a friend's sister in 2018, Rotarian Mr Dave Harmon from the Rotary Club of Ballina-on-Richmond was moved to action. Mr Harmon's friend's sister was murdered by her partner in front of her three children. Following the tragic event, in November 2019 there was a community walk organised through the streets of Ballina to highlight the scourge of domestic violence in the community.

From 25 November 2024 to 10 December 2024, every Rotary club in Australia will partner with local government agencies and community groups to add their voices in support of victims and survivors of domestic and family violence. Family and domestic violence statistics in Australia are confronting. According to the Australian Institute of Health and Welfare in September 2024, 2021-22 statistics show that one in four women and one in 14 men had experienced violence from an intimate partner since the age of 15. Family and domestic violence is one of the key drivers of homelessness among women and children. It crosses all boundaries: race, age, financial status, education and gender. It is present in every suburb across the State.

The Rotary Club of Yass is seeking the support of as many community members as possible to take a moment out of their day to participate in the peaceful walk for such a good cause. I extend my personal thanks to Michael Pilbrow, Labor's candidate for Goulburn at the previous State election, and Simon Quarrell for their important advocacy on the issue in their area. I encourage everyone in the area to join them and stand against the devastating scourge of domestic violence. If any Yass community members cannot participate in the walk, they can also show their support by wearing an item of purple clothing on 6 December. By raising awareness and mobilising support, we can say no to domestic and family violence.

### **CAPITALISM AND DEMOCRACY**

**Ms ABIGAIL BOYD (14:06):** There has been some considerable gnashing of teeth and wringing of hands on the progressive side of politics following the recent United States elections. Politicians and the media from across the political spectrum have offered their mostly opportunistic hot takes on lessons to be learnt, but as has become the norm, political parties more likely than not are going to twist the data into whatever form is required to justify their own pre-conceived views and current strategic trajectory. I say good luck to anyone in a

political party yelling from the sidelines that the majority have got things horribly, tragically wrong. It is in that context, and in full awareness of the irony, that I offer my own views on the real lessons that can be learnt from elections around the world in recent months.

Although the numbers and trends are not as dire as the right-wing and mainstream media would like people to believe—progress is never linear, after all—there is an urgent need for progressive parties to adjust their approach and policy platforms if they are to continue to garner majority support. What people are telling us, loudly and clearly, is that they are sick of politics as usual. They feel disconnected from the political and corporate class, and they feel like their concerns for their material circumstances are not only not being listened to but also are being actively belittled. They are sick of the economic status quo that has seen their living standards fall, while inequality stretches out in ways not seen since feudalism. That is the hard truth: People are doing it tough. Things are far harder now for each generation versus the one that came before. Gone are the days of expecting one could grow up to have a good job, buy a house, take a nice holiday once in a while or even be able to feed their family on a regular basis. And we wonder why increasing numbers of children are having mental health issues or turning to crime.

For many people in Australia and around the world, life has become unbearably grim. They are rightly, justifiably angry about it. For too long, they have been sold nice-sounding platforms by politicians that are just two sides of the same economic orthodoxy: a status quo and political class that claims to represent them but really represents a club of capital-owning elites to which the astonishing majority will never belong. Capitalism is an economic system that is now eating itself from the bottom up, exactly as it is designed to. Without aggressive regulation, capitalism will continue to push wealth, opportunity and everything needed to live a good life away from poorer people and towards a shrinking upper class.

In Australia, there are more than 150 billionaires, almost two million millionaires and more than 3.3 million living in poverty, including more than one in six children. Poverty is not inevitable. It is the product of government decisions to back big business instead of to work to actively provide for the people it is elected to represent. That is not just making people poor, sad and sick; it is making them angry and in search of change. That change needs to be an end to business as usual—an end to the economic status quo. To challenge the rising fascist threat, we need to deliver real economic democracy by asserting the power of the many over the tiny few who run the economic system under which we are all struggling.

### KRISTALLNACHT COMMEMORATION

**The Hon. DAMIEN TUDEHOPE (14:10):** Earlier today the Hon. Rod Roberts moved a motion about a commemoration of Kristallnacht that occurred last Sunday night at Moriah College in Queens Park. The NSW Jewish Board of Deputies organised the event to commemorate what occurred on 9 and 10 November 1938. Given what occurred in Amsterdam last weekend, it is particularly poignant to reflect on those events again today. Kristallnacht was alleged to have been precipitated by the murder of a German diplomat in France, Ernst vom Rath, by a Jewish student. That supposedly instigated two nights of rioting in which Jewish businesses, synagogues and homes were destroyed, and 30,000 Jewish men were rounded up and sent to prison camps.

On that night, the Holocaust truly began when the rationale of Goebbels was put into effect and perpetuated by Hermann Göring. The rationale has parallels to events in Amsterdam last weekend. An event gave rise to an organised approach to a program against Jewish citizens, who were blamed for a particular outcome. Exactly the same thing occurred in Amsterdam. The progressive media have portrayed what happened in Amsterdam as being precipitated by an incident relating to the removal of a flag. We ought to be very concerned that what occurred in November 1938 is occurring again today. We should always remember to continue to assert that such events should never happen again.

### ALLIED HEALTH WORKER WAGES

**The Hon. MARK BUTTIGIEG (14:13):** The Minns Labor Government has delivered another key election commitment, this time to improve benefits for essential health workers in New South Wales. On 30 October 2024 the Minister for Health, Ryan Park, and the Minister for Industrial Relations, Sophie Cotsis, announced that over 50,000 allied health workers will now access 100 per cent salary packaging and receive a pay rise. The agreement covers workers such as cleaners, dental officers, Aboriginal health workers, security workers, psychologists, patient support assistants, scientists, administrative staff, kitchen workers, technicians and interpreters.

The win follows strong advocacy and a long-fought campaign by the Health Services Union [HSU] on behalf of its members. I congratulate the secretary of the HSU, Gerard Hayes, on his work with the Government to make it happen. The recent agreement means that salary packaging for relevant workers will rise from 70 per cent to 100 per cent starting from 1 July 2024. The former system saw allied health workers and

NSW Health share tax savings from salary packaging. Now allied health workers will receive every cent. I note that the agreement also included a 4 per cent pay rise for those workers, including a 0.5 per cent increase in super as well as the Government's one-off, \$1,000 cost-of-living payment initiative, which will be triggered if the yearly average Sydney consumer price index rises above 4 per cent in the year to the March quarter of next year.

I thank the relevant Ministers, Minister Park and Minister Cotsis, as well as the HSU, led by Gerard Hayes, for this important win for allied health workers. I am very proud to be part of a government that has its priorities straight. Labor went to the 2023 election with a promise to rebuild our essential services and end the unfair wages cap that saw real wages go backwards. We are addressing the recruitment and retention issues that exploded under the Liberals and The Nationals, ending the wage cap and developing a new bargaining policy. I end with a quote from Gerard Hayes:

This is a generational advance for 50,000 health workers who have earned every cent of this pay rise. The reform to salary packaging will be life-changing for hardworking people on modest incomes.

It is another example of Labor delivering on its election promises. We have squared away a number of disputes with relevant unions and their workers, like we said we would. The nurses outside have a right to protest because they will achieve the same result in due course.

### CANNABIS LEGALISATION

**The Hon. JEREMY BUCKINGHAM (14:16):** I commend the Government for taking an important step toward genuine, evidence-based dialogue on cannabis reform as part of the NSW Drug Summit 2024. That is exactly what we need: open discussion, transparency and, most crucially, meaningful action. I also commend the co-chairs, Mr John Brogden and Ms Carmel Tebbutt, for their professionalism and leadership in guiding this critical conversation, but let's not beat around the bush. Our cannabis laws are harming more people than they protect. "Drug law reform" has become a common phrase but, for millions of Australians, it is more than just a catchphrase; it is their lived reality.

The latest National Drug Strategy Household Survey reveals that 2.5 million Australians used cannabis last year, with zero recorded fatalities. We are not facing a public health crisis. Instead, we are wrestling with outdated laws that criminalise ordinary people for making personal choices. For those Australians, the law itself is the crime. Cannabis is not going away. It is the most widely used illicit drug worldwide. In Australia, lifetime use is now at an all-time high, with 41 per cent of Australians over 14 having tried cannabis. The average age of first use is 19, shattering the myth that cannabis is driving young people into destructive behaviour.

In the Australian Capital Territory, where possession has been decriminalised, we have not seen a rise in use rates. In fact, Australian Capital Territory residents are increasingly growing their own rather than relying on the black market, showing that thoughtful reform can reduce illegal supply chains. We need to face reality: The stigma surrounding cannabis use prevents people from accessing support services due to a framework that discourages people from seeking help by shaming them into silence. How can we help people manage risk when we turn their personal choices into a crime? The public sentiment is shifting. Today 80 per cent of Australians believe possession should not be a criminal offence, and 45 per cent support full legalisation. That is not just a passing trend; it is a clear demand for change.

The people are ready for sensible cannabis laws. The New South Wales Government has a choice to lead the way or be left behind. Let's also address the myth of cannabis as a dangerous drug. Compared with alcohol, cannabis is remarkably safe. Its lethal dose is so extreme that it requires 680 kilograms to be smoked within 15 minutes. That is very hard to do. I have come close, but I have not quite gotten there. No-one is at risk of dying from a cannabis overdose. I urge the Government to continue to act with courage and fairness, guided by evidence and the drug summit. Let's bring New South Wales into a future where adults can make responsible choices.

### MUSIC AND DRAMA SYLLABUS

**The Hon. JACQUI MUNRO (14:19):** One might assume that students excited to study music and drama for their HSC have a love of their subject and a love of the craft—a passion for performance and for sharing the joy of song and storytelling. Thousands of students just finished their HSC and did what they love: performing on stage, composing music and expressing their ideas and creativity through music and drama. All members in this place would agree that for those who choose those subjects, developing a musical or dramatic skill through performance is critical. The NSW Education Standards Authority [NESA] is now putting that at risk. In its recently released proposed syllabus changes, HSC Music 1 will offer no option for students to be assessed on music composition, will double the sit-down written exam time and will halve the number of performances. In drama, the proposed syllabus would allow students to graduate without being externally assessed on a single performance. They would have the pleasure of sitting an additional 30-minute exam instead.

The uproar amongst teachers, assessors, principals and students has been profound. I have been contacted by and have spoken to many educators in my capacity as the shadow Assistant Minister for the Arts and a member of the arts and music education committee. A *Sydney Morning Herald* article covered some of the outrage last week. Those brave enough to speak about their horror include former HSC drama chief examiner and Brigidine College St Ives head drama teacher DiAnne McDonald, Australian Society for Music Education New South Wales chair Debra Batley, and Professor Michael Anderson, who was engaged by NESA to consult on the curriculum but quit his post after the draft syllabus disregarded teacher and expert feedback. He wrote, "This is profoundly disappointing and undermines my faith in NESA's process." I have been sent screenshots from Facebook groups that show that teachers are in fear about speaking out, saying things like "I was told that I can't write, 'I am a teacher of school'" and "I've been told by my principal not to write to my member as it is potentially a code of conduct issue".

The code of conduct actually states that employees must be clear that personal views are their own and that they are not expressing the views of the department. It is Orwellian that teachers are being bullied into remaining silent about changes they do not believe are in the best interests of the music and drama students they are teaching. The NESA changes are being billed as a once-in-a-generation overhaul, and that is a big problem. While NESA will say that there is a consultation process, teachers are fearful of repeating the recent English Extension 2 debacle, where swathes of teachers called for change in the consultation process and were not listened to. That process includes non-disclosure agreements being signed by members of the NESA Technical Advisory Group. The only way they can demonstrate their anger is by resigning, as Professor Anderson did. I received one email from a renowned music teacher who said it perfectly:

Having non musicians dictate the boundaries of a music syllabus is outrageous and this syllabus for Music 1 that has been tabled should be discarded.

This Government must instruct NESA to rewrite the script on drama and music syllabus changes and present a new proposal for consultation before the end of the year.

#### WINGECARRIBEE SHIRE COUNCIL

**The Hon. BOB NANVA (14:22):** After a significant period of having their council under administration, I am pleased that the residents of Wingecarribee shire have now exercised their right to democratically elect their local representatives. In the recent local government elections, residents chose nine new faces from the wider community to represent them, with the expectation that the elected council would put the past behind it. It was a past with circumstances that applied a handbrake on the ability of local residents, local representatives and a proactive local council from controlling their own destinies. Although it is early days, I am glad to hear of the positive early signs coming from the local government area and am optimistic that it will lead to an improvement in service delivery for residents.

Not too long ago, in my meetings with Labor branch members and many other constituents from the Southern Highlands, the frustrations and challenges of living in a council area under administration were regularly raised with me. David Kent was one of the Moss Vale locals I met at the Southern Highlands ALP branch. He has since gone on to become one of the nine new councillors on Wingecarribee Shire Council. That is a notable achievement considering that the shire has had only three Labor councillors in the past few decades, all of whom remain actively involved as members and mentors. I was immediately impressed by David's outlook and motivations, attributes that will serve him and the community well in the fledgling reconstituted council. Councillor Kent has been driven by fairness his whole life. He knows all too well the opportunity that Gough Whitlam's ambitious policies provided his parents.

That David is not and has never been a political junkie is a virtue; so too are the values of fairness and opportunity that have driven him and will continue to drive him in public life. After moving with his wife to Moss Vale 14 years ago, David has spent the past decade with grassroots members. He has taken the time to listen to and learn from the significant contributions of local ALP branch members, including a number of Labor luminaries who call the Southern Highlands home. He has indicated that he wants to take a values-based approach and not a politically charged approach to public life. His attitude—and that of the new council—speaks to the potential for a new beginning at Wingecarribee where it can move past the period of administration and become a cooperative, productive and outcome-driven organisation. I wish Councillor Kent, the other councillors and the council staff the very best for the future.

#### ABORTION SERVICES

**Dr AMANDA COHN (14:24):** When I became a prescriber of medical abortion, I thought it would be really hard. I anticipated grappling with ethical dilemmas and what I believed was a complex and dangerous area of medicine. But it turned out that was only because of the stigma surrounding abortion. The medical risk from carrying a pregnancy to term is greater than the risk of abortion from a trained health professional. My experience

as an abortion provider was one of joy and empowerment. I believed fiercely in my patients' rights to make decisions about their own bodies, and I was proud to educate and support them to exercise that choice as safely as possible—whether that was prescribing medical abortion, organising surgical abortion with a colleague, providing non-directive counselling or organising mental health support, or providing antenatal care for a pregnancy a patient decided to continue.

In recent weeks the media has reported heartbreaking stories of people being turned away from regional hospitals when they need essential health care. The Minister for Health has done the right thing by stepping in to ensure that clinicians at Orange hospital are not restricted from providing abortion, but that is not just happening at Orange hospital. Queanbeyan Hospital is in the media today, and I know that there are more examples. There is nothing in the current legislative or regulatory framework stopping it from happening over and over again. Peer-reviewed research recently published in the journal *Rural and Remote Health* found that a small but influential number of medical practitioners are not just refusing to provide abortion services but also obstructing access, leaving people unable to access abortion in many parts of the State. That was not the intention of the conscientious objection provisions in the Abortion Law Reform Act 2019.

Local health districts currently have to provide a pathway for abortion services, but they do not have to actually provide abortion services. Too many of those pathways involve a private provider or an unreasonable distance for people to travel. A representative survey commissioned by Australian Clinicians for Choice in early 2023 found that 68 per cent of New South Wales residents believe every public hospital delivering women's health services should also provide abortions. There was majority support for greater access to abortion services among voters for both Labor and the Coalition. The Government has invested in the SEARCH program and the Pregnancy Choices Helpline. A health worker has told me that they recently called that helpline regarding a patient who was past the gestational limit for their private clinic. They waited on hold for an hour to then be told that the operator could not tell them which hospitals provide services and that the patient must go back to their GP, who has to advocate for access at their local hospital.

I applaud the health Minister for making it clear that abortion rights will not be wound back under this Government, but continuing with business as usual is not enough. Access to reproductive rights is under attack, from South Australia and Queensland to the United States. I am proud to represent The Greens, who are always pro-choice—every member, every vote, every time. I am drafting a private member's bill that will update the Abortion Law Reform Act in New South Wales. I invite the Government to work with The Greens and many other advocates to progress that important reform. I call on the Government to fund abortion in public hospitals.

### MANILLA SOLAR PROJECT

**The Hon. ANTHONY D'ADAM (14:28):** Recently I had the pleasure of visiting the future site of the Manilla Solar Project in the town of Manilla, north-west of Tamworth. The community-driven project, led by Manilla Community Renewable Energy Inc, is set to deliver 4.6 megawatts of solar and battery power. It is expected that it will power around 2,300 homes in the local region. The battery component will ensure that one-quarter of daily solar production can be stored to help meet peak demand and supply the grid in the evenings. Manilla Community Renewable Energy was started more than a decade ago with the goal of building a community-owned solar and storage energy plant in Manilla. It aims to develop a blueprint for community-led not-for-profit energy groups that can be shared across the north-west region. That will help support and guide similar future initiatives in other regional communities.

Through that initiative, it hopes to give the local community control over the energy generation resources that they rely on and help protect the local community from increases to their power bills when private, for-profit providers increase prices. It currently has 82 investors and is working hard to reach out to the community living within 100 miles of Manilla for more investors, hoping to raise \$4.5 million. Locals are invited to invest from \$90 up to \$10,000. The New South Wales Government has supported this initiative with a \$1.027 million grant through the regional community energy fund, which will help to fund the construction side of the project. I thank Emma, Fiona and John from Manilla Community Renewal Energy, who generously took the time to give me a tour of the site and their headquarters. I commend the work that they have done to help lead the way on community-led renewable energy initiatives.

### Bills

## THOROUGHBRED RACING AMENDMENT (RACING NSW ACCOUNTABILITY) BILL 2024

### Second Reading Speech

Debate resumed from an earlier hour.

**The Hon. MARK LATHAM (14:30):** Before question time I was pointing out that the key whistleblower at the Rosehill select committee hearings has provided sworn evidence of New South Wales and Commonwealth laws being broken. The whistleblower has released me from any confidentiality provisions and the restriction of being a participating member on the select committee. He has bravely taken the risk of retribution from Racing NSW. He wants the truth to be known. He wants the lawbreakers to be brought to justice. He wants to break the media and political protection racket and use the policing and integrity agencies of government to clean up Racing NSW. He wants me to report to the House four serious breaches of the law, each of them justifying the provisions in the bill.

First, during the COVID period Racing NSW fraudulently claimed JobKeeper payments it knew it was not entitled to. Graeme Hinton, the chief operating officer, told the accountants that Peter V'landys wanted to claim JobKeeper and they should work out a way of doing it. Racing NSW was ineligible because thoroughbred racing continued during COVID. People were locked in their homes, online gambling increased and Racing NSW's revenue rose. Under the Australian Taxation Office criteria for JobKeeper, a 30 per cent revenue reduction was required.

Racing NSW received \$500,000 a month in JobKeeper over six months, a total of \$3 million in Commonwealth emergency payments, to which it was not entitled. The money was hidden in its accounts, apparently recorded in the salary expenditure account as a credit. JobKeeper was claimed from April to September 2020, with \$1.5 million in each financial year, 2020 and 2021. Even more brazenly, the CEO used the money to pay each of his managers a COVID bonus of \$5,000. He took money he was not entitled to and put it in the pockets of people like Hinton. Fraud of this kind is a crime and should be prosecuted.

Second, Racing NSW withheld financial payments to a number of race clubs so that they too could falsely claim JobKeeper. The accounts were rorted to make it look like their revenue was down. This is an even worse crime, conspiring with others to defraud the Commonwealth. I urge the authorities to investigate and prosecute those involved. Maybe even our reluctant racing Minister might do something. Numerous problems at Racing NSW have been brought to his attention, to which he always says, "It's a matter for Racing NSW." Surely not now.

Premier Chris Minns has been a persistent public defender of Peter V'landys. We have to go back to Bob Askin and his defence of crooked police commissioners in the 1960s to find a New South Wales Premier who so lavishly defended a crooked public official. Remember when Minns promised higher standards of integrity in government? Don't worry, neither does he. If he believed in honesty and integrity he would order a full investigation into the financial practices of Racing NSW. But he will not: He is in too deep and is too fearful, too worried about the calls from those media protectors who tell him what to do. Financial misappropriation is the real story at Racing NSW, the one that this Parliament should act on even if others do not.

Third in this list of illegalities, Racing NSW cheats on its fringe benefits tax [FBT]. It provides a huge amount of free hospitality to its staff on race days, especially the big ones at Randwick, but never declares this FBT. These events are worth up to \$1,000 per head. A Racing NSW accountant was once bold enough to include these amounts in the FBT lodgement. V'landys found out and went off his head, excluding the staff's fringe benefits from the return. The accountant, of course, did not last long in his job. Not only should the ATO audit the Racing NSW finances, we clearly need the New South Wales Auditor-General on the job, as proposed in the bill.

Finally, Racing NSW has consistently broken another New South Wales law, the Workplace Surveillance Act. Under oath on 9 August at the Rosehill committee the CEO was asked if his organisation surveilled its staff through CCTV cameras and the monitoring of web traffic. He said this was "absolute rubbish". He said, "Again, Mr Latham, you can smear me all you like but there is absolutely zero credibility to what you are saying." Well, yes there is. Racing NSW has a formal policy—of which it never informs its staff—that the surveillance will be "continuous and ongoing". The policy concludes, "Accordingly, employees should not have the expectation of electronic media privacy."

The Workplace Surveillance Act, short of a magistrate's order, deemed surveillance of staff to be illegal unless there is a prior notification and a clear outline of what the surveillance involves. This never happens at Racing NSW. In March 2021 all staff had their web traffic monitored without knowing it. There is a surveillance camera in every workspace and even the lunchroom, basically everywhere bar the toilets. Orwellian style, the cameras are used to constantly monitor and investigate staff movements. One would have thought a Labor Government would act against this abuse of workers' rights, but the Attorney General, mimicking David Harris, has said—that is right, you guessed it—it is a matter for Racing NSW.

How long can these illegalities go on? How long can the Minns Government and this Parliament allow Racing NSW to operate as a rogue regulator with some kind of weird dictatorship where, in V'landys-land, they

see themselves as answerable to absolutely no-one? This Parliament created Racing NSW. It now has a pressing responsibility to repair the power and balance to make the regulator accountable to the Parliament, to the ICAC and to the Auditor-General. The existing statutory provisions have failed. The Racing NSW board has been wilfully blind to the illegal behaviour and mismanagement of its senior officials. The chair, Saranne Cooke, is a racing novice, famously asking breeders in the Hunter Valley when their stallions are going back to race. She told the select committee the proposal was for the Minns Government to buy Rosehill racecourse. We might say she is clueless, but she is worse than that: She is a V'landys acolyte who signs any letter, any excuse, any falsehood they put in front of her in Druitt Street.

Under the current Act, Racing NSW has an integrity assurance committee, but it rarely meets and obviously has done nothing about the integrity breaches well known to Racing NSW staff. The committee is headed by another V'landys man, Troy Grant, known in racing circles for his attempt to destroy a racing code. Troy Grant, who—surprise, surprise—is also the well travelled chair of what they call the International Rugby League. There is no limit to the protection and patronage network around the CEO at Racing NSW. If the Parliament does not act, the abuses will simply continue and more and more racing participants will suffer.

I know most MPs shun the track and see it as something of a niche interest, but the ramifications for thoroughbred racing cannot be ignored any longer. This is an industry generating over \$3.3 billion in economic activity in our State each year. It employs more than 50,000 people, either directly or indirectly. In many country towns it is an essential money-spinner and focus of social activity and social capital. There are over 90,000 people engaged in thoroughbred racing in New South Wales as employees, volunteers or participants. It is for the participants that I am moving the second reading of the bill and advocating it to the House. Until the whistleblowers at the Rosehill committee came forward, I had no idea what they were going through in their treatment by Racing New South Wales: the persecution of critics, the favouritism among trainers, the cronyism with the media and the relentless abuse of regulatory power. That is why I have been determined to act.

I used to enjoy the races as a carefree escape from politics. Now politics has followed me to the track, listening to the crushing stories of how so many people have had the joy of racing drained from them because they stood up for themselves, expressed a differing opinion and refused to worship at the altar of Peter V'landys, like the Warwick Farm trainer who was told by Racing NSW they would no longer take acceptances for his horses—that is, running him out of business—simply because he had a disagreement with the stewards over the timing of COVID protocols; like the Rosehill trainer done in because he was a critical voice on the Trainers Association board; like the country race club threatened with deregistration because some of its officials disagreed on social media about the abandonment of one of its meetings; like the racing website refused media access in Sydney because they have an opinion that Rosehill racecourse should not be sold.

Racing should be an industry open to all, with all opinions, aspirations and ambitions well and truly welcome. I have always been opposed to the concentration of power to the elites running things at the expense of mass participation. The bill is no different to those values. The role of the Auditor-General is particularly important. A former New South Wales Auditor-General, Tony Harris, has been critical of the Racing NSW accounts. It has an overuse of provisions for items that have been incurred but for which payments are not yet due. The Racing NSW accounts are artificial, as the provisions are not consistent with normal accounting standards, failing to "represent a present legal or constructive obligation as a result of a past event". In truth, Racing NSW has consistently inflated its provisions and rigged its accounts because the CEO does not want the rest of the industry to know how much money it has. The profit figure on the statement of profit and loss has been reduced through the creation of provisions.

There are other improprieties at Racing NSW, such as the CEO interfering in race day nominations, integrity matters and stewards' inquiries. Initially, Mr V'landys told the Rosehill committee that he never, ever interferes in stewards' inquiries. But under pressure, and through documented evidence from the Colleen Walker inquiry at Mudgee, he then had to concede that he runs all the New South Wales stewards' inquiries. In integrity matters, selected trainers have a direct line to the CEO to call off inspections and water down penalties, while others are left to hang.

Recently Vin Cox has shown he has a Midas touch in racing, with famous winners like Via Sistina and Treasurethe Moment in the Yulong colours. When he was at Godolphin, Vin Cox had to fight off attempts by Peter V'landys to pressure him into running his champion horse Anamoe in the 2022 Golden Eagle at Rosehill instead of the Cox Plate at Moonee Valley. That was an extraordinary interference in the determination of race day fields. Imagine the sense of unfairness the trainers and owners of runners already committed to the Golden Eagle would have felt at realising that, if Anamoe had started, they could not win the race. It is not for the regulator to manipulate race fields and outcomes. Vin Cox has said that he wants me to bring this matter to the House. He also mentioned a similar matter with his other great horse Bivouac.



This is the problem with Peter V'landys wearing two hats: one as the promoter of Racing NSW and the other as the chief regulatory decision-maker. In isolation, either role can be performed up to the expected standard, but both cannot be done together. In the first role, as a promoter of racing in New South Wales, the CEO gets to know hundreds of licensed people, urging them to build up racing in our State. In the second role, he licenses and regulates the same people. That is an unsustainable conflict of interest. In Victoria, the two roles are separate and an integrity oversight body ensures there are no conflicts of interest. We need that in New South Wales.

Earlier, I mentioned cleaning out the Augean stables. Let me give another example of how the cronyism at Racing NSW is everywhere. The number of people in the media who have been bought off is phenomenal, and the CEO has openly admitted that is his strategy. You would think, in terms of journalistic ethics, that if someone says they are buying influence from you, you would not participate in their scam—but not Ben English and Bevan Shields, the editors of *The Daily Telegraph* and *The Sydney Morning Herald*. They were once again in the Director's Room at Royal Randwick for the Everest, completely undeclared and apparently unbothered by the malevolent intent of their host.

The worst cronyism—the one that shocks members in this place and anyone at the races—concerns Daniel Hadley, the son of Ray Hadley. Hadley junior was run out of the NSW Police Force for cocaine abuse. He got off in court by pleading mental illness—of course he did. I am all for rehabilitation for people to get over their drug addictions and mental illnesses and to find alternative employment; it is just that future work in integrity-related jobs is not such a good fit for them. Yet Peter V'landys, in a nod to Ray Hadley, gave Daniel a start in the integrity unit at Racing NSW, promoted him to be the general manager of integrity and is now grooming him, believe it or not, to be the next chief steward when the elderly incumbent retires. Daniel Hadley is an obvious target for organised crime to fix races by offering a permanent drug supply. Get him a job somewhere, sure—but not in integrity. It is shocking that racing in New South Wales is run through patronage, cronyism and influence buying.

Let me conclude. This Parliament is duty-bound to save a racing industry poorly served by its regulator. The passage of this bill can help end the corruption, cronyism and abuse of regulatory power at Racing NSW. It is sad but true that since 1996 there has been no oversight of this regulator by Parliament or any integrity agency. The result is clear. We should not allow the corruption at Druitt Street to spread to Macquarie Street by caving in to the media protection racket around Peter V'landys. The sworn evidence is in. The documents speak for themselves. The whistleblowers have courageously come forward. They do not want this Parliament to let them down. I commend the bill and its accountability measures to the House.

**Debate adjourned.**

### *Motions*

## **ELECTRICAL TRADES UNION INDUSTRIAL ACTION**

**The Hon. DAMIEN TUDEHOPE (14:44):** I move:

- (1) That this House notes that:
  - (a) the Electrical Trades Union [ETU] engaged in protected industrial action against Endeavour Energy from 1 February 2024 to 5 November 2024, resulting in:
    - (i) the cancellation of 1,800 planned outages needed to work safely on the network at an average cost of \$30,000 for contractors and developers for each cancelled outage; and
    - (ii) a year's backlog in Endeavour Energy's maintenance program.
  - (b) the ETU is still engaged in ongoing protected industrial actions against the three other major electricity transmission and distribution companies in New South Wales, Transgrid, Ausgrid, and State owned corporation Essential Energy,
- (2) That this House further notes that the ETU's protected industrial action has caused, is causing and will continue to cause significant damage to the economy of New South Wales, through:
  - (a) delays to major infrastructure projects, including:
    - (i) Snowy Hydro Kurri Kurri switching station;
    - (ii) South West Metro conversion;
    - (iii) M1–Raymond Terrace extension;
    - (iv) Royal Prince Alfred Hospital;
    - (v) John Hunter Health and Innovation Precinct;
    - (vi) M7-M12 interchange; and
    - (vii) Aerotropolis city centre,
  - (b) delays to the occupation of completed dwellings, resulting in thousands of families unable to move into their homes;

- (c) delays to Landcom and Housing NSW social housing developments;
  - (d) delays to the occupation of student housing;
  - (e) delays to the occupation of business premises;
  - (f) delays to network maintenance putting at risk the reliability of electricity supply;
  - (g) delays to local roads upgrades across New South Wales; and
  - (h) disruption to small businesses carrying out electrical work, including adverse impacts on employees.
- (3) That this House calls on the Minister for Industrial Relations to make an application under section 424 of the Fair Work Act 2009 for an order terminating the protected industrial action by the ETU against these three electricity companies.

This motion first refers to information provided by Endeavour Energy about the impact of nine months of protected industrial action by the Electrical Trades Union [ETU] from 1 February to 5 November 2024. The impact was primarily caused by the last-minute cancellation of planned outages by the ETU. Depending on the scale of the work for which the outage has been scheduled, the cost can vary significantly. If it is for a major new stage in a roads project, it may have involved assembling various teams of workers and bringing specific heavy equipment on site. However, if the planned outage of the electricity connections is randomly cancelled by the ETU, the cost of the workers and of the equipment assembled for that day is lost. Once a planned outage is cancelled, it has to be rebooked and goes to the back of the queue.

Endeavour Energy calculates that the average cost of the 1,800 cancelled planned outages inflicted on it and its clients over the past nine months is \$30,000 per outage. That equates to a total of \$54 million. Endeavour Energy is just one of the four companies significantly impacted by the ETU's protected industrial actions. The others are Transgrid, Ausgrid and the State owned corporation Essential Energy. Assuming the impact of cancelled planned outages on those three companies is similar in scale to that on Endeavour Energy, then this aspect of damage to the New South Wales economy alone would come to over \$200 million. However, a full analysis of the total impact on the New South Wales economy would also include the ongoing damage to electrical small businesses which simply cannot carry the cost of last-minute cancellations of work, leading to employees being laid off and even to bankruptcies.

Many local councils have postponed all maintenance on local roads that requires ETU involvement, creating a massive backlog of work and real risks to road safety. Whether it is hospitals like Royal Prince Alfred Hospital and the John Hunter Health and Innovation Precinct, the south-west metro conversion or the five or six social housing projects delayed by the ETU, the costs all mount up. Thousands of ordinary families will not be moving into their new homes by Christmas. They will need to keep paying rent or servicing a loan, despite their homes being finished, solely because the ETU grinch refuses to facilitate the needed power connection. There will be no lights on the family Christmas tree, thanks to Allen Hicks and his mates.

In 2018 the Fair Work Commission found in relation to planned industrial action by the Rail, Tram and Bus Union, which Treasury estimated would cost the economy \$90 million, that "such a loss of output would represent—in absolute terms—significant economic damage" and ordered that the planned industrial action not take place. The current ETU action is undoubtedly causing even more significant economic damage. The Minister for Industrial Relations needs to immediately make an application under section 424 of the Fair Work Act 2009 for an order terminating the protected industrial action by the ETU.

At this point, I should address the observations made in this place yesterday by the Hon. Mark Buttigieg. He suggested that the Opposition does not understand how negotiations work in relation to how industrial disputes are resolved. That is the problem with the members opposite; they do not understand that their priority is to represent the people of New South Wales and not just the union they are preselected by. They come into the House and only represent those interests. I am sorry but, notwithstanding their predilection for ensuring unions have their rights protected, their first obligation is to represent the people of New South Wales. The time for this protected industrial action has well and truly finished. We need to make an application to have it cease.

**The Hon. DANIEL MOOKHEY (Treasurer) (14:49):** The Government opposes the motion. A decision for a State Minister to intervene in a Federal jurisdiction is made based on informed legal advice, not on the basis of a motion from Parliament or a media release from the Opposition. Indeed, making complex legal decisions without advice or sufficient evidence often leads to more harm than good. This Government will always seek the best legal advice before any decision is made. The Government notes the very real impact that protected industrial actions at Endeavour Energy and other electricity transmission and distribution companies have had on New South Wales businesses and consumers, in particular small business.

The Government strongly believes that when protected industrial action is utilised by an industrial party, being a union or an employer, it should be exercised in a way that limits the impact on third parties. The Fair Work Act provides a mechanism at section 426 for a third party such as a business to make an application to the

Fair Work Commission to suspend or terminate industrial action so that it does not impact on that party. Some businesses caught up in the current dispute have made such applications and have been successful in obtaining orders from the commission.

I turn now to the call in the shadow Treasurer's motion for the Minister to make an application under section 424 of the Fair Work Act. In the 12 years under the former Coalition Government, we are aware of only two section 424 applications to suspend or terminate industrial action under that section: one in 2018 and another in 2022, both against the rail unions. The 2022 application was launched by the shadow Treasurer in his former capacity as Minister for Industrial Relations. It failed, and the failure of that application indicates the high threshold that has to be met for a successful application, which the commission went to pains to point out. Why would we blindly follow the advice of people with the track record of the Hon. Damien Tudehope when it comes to these questions?

The 2022 failure was not insignificant, and the reason I mention it is that it provides the precedent that means the assessment the Government has received is that it would not succeed anyway. Consider some of these quotes from Deputy President Cross's judgement on the former industrial relations Minister's application. The Deputy President said, "I could not confidently place any reliance on the economic evidence of the applicant", who was the Hon. Damien Tudehope. Equally, he made the point at repeated steps that the evidentiary basis for such an application was not at all made out. I have to say, in the Government's assessment of whether a section 424 application would be useful in this scenario, a precedent set by the former industrial relations Minister is the reason why the Government has decided not to launch such an application because, in all prospects, it would fail. In the meantime, it is worth making the point that the current energy disputes are largely a result of the previous Government's obsession with privatisation.

I seek an extension of time.

**Leave granted.**

**The Hon. DANIEL MOOKHEY:** I thank the House for its indulgence. There are already processes in the Fair Work Act that provide guardrails so that those disputes cannot continue indefinitely. That is why I make reference to the emergence of the intractable bargaining provisions that are now a feature of the Fair Work Act introduced by the Federal Labor Government in 2023. When it comes to the Endeavour Energy dispute, that has already kicked in. Equally, this motion, as it applies to Endeavour Energy, is superseded by the fact that the new intractable bargaining provisions mean already that Endeavour Energy is before the Fair Work Commission. I therefore make the point that, with the emergence of the new intractable bargaining provisions that are a feature of the new Act, the Government encourages all parties to reach agreement prior to that and, if they do not, we expect them to be caught up in those intractable bargaining provisions.

**Ms ABIGAIL BOYD (14:53):** Here we have yet another attack on the working class by the Liberal Party, but it is also full of inaccuracies. First things first: Transgrid members stopped taking protected industrial action over a month ago, so the member bringing this motion—the Hon. Damien Tudehope—does not have the first clue what he is talking about. Even when those members were taking action, it was protected industrial action. Protected means that they jumped through all of the hoops and hurdles placed in front of them, and it is legally sanctioned. Opposition members love to cast legitimate industrial actions as lawless activity undertaken by union heavies but, once again, they only prove their own ignorance. They are participating in protected industrial action that every worker has a right to engage in. It is, in fact, their only way to exercise their power in the face of declining real wages, and that is the right that the Liberals are choosing to go after.

Let's face facts and ask why exactly Electrical Trades Union members have been taking action. Wages for power workers at privatised power networks have declined across the board. Real wages at Transgrid have declined 10.3 per cent since privatisation in 2015. At Ausgrid, there has been a 9.4 per cent decline since its privatisation in 2016. There has been an 8.9 per cent decline at Endeavour Energy since 2017. Essential Energy, despite remaining publicly owned, suffered active wage suppression, led at times by the member bringing this motion, and their wages have declined 13.3 per cent since the introduction of the wage cap in 2011. If that was happening to my wages and I saw how much money the company I worked for was raking in every year and how much the executives got paid, I reckon I would be voting to go on strike as well.

Let us turn to the assertion of the supposed cancellation of 1,800 planned outages and the supposed maintenance backlog. Respectfully, I am not sure what strange, dark recess the member pulled those numbers from, but they do not pass the sniff test. More importantly, the Electrical Trades Union does not have the power to cancel jobs; only the bosses have that power. Electrical Trades Union members have the legal right to take protected industrial action, and what the bosses choose to do with that information is their problem.

I turn to the prospect of project delays as a result of delayed connections. What a load of nonsense. Again, the member has no credibility. It is a good thing he is not a sparkie; he would be trying to install downlights before the roof had been put in. While he asserts that the John Hunter Health and Innovation Precinct is delayed due to refusal to connect, the John Hunter Hospital is still pouring concrete for the floors. It is not even a twinkle in the eye of any distribution companies. The rest of this motion is all equivalent levels of absurdity, and it does not warrant being taken seriously. I hope I can impart some small piece of wisdom to the mover, and that is this simple rule: If you are inconvenienced by a strike, blame the boss, not the workers.

**The Hon. SCOTT FARLOW (14:56):** I will tell members what an attack on the working class is. An attack on the working class is 10,000 homes being held hostage by the Electrical Trades Union across New South Wales. Some 10,000 homes are not connected. They are built and ready to go, but they cannot get their electricity connections because of the unplanned outages now taking place and the protected industrial action being taken by the Electrical Trades Union. We see that adding cost to homes. As the Hon. Damien Tudehope has already outlined to the House, we have seen an average cost of \$30,000 go on to people's homes due to this action.

When I was in Norwest with the Hon. Damien Tudehope, standing outside a building that was ready to go except for the fact that it cannot get connected to electricity, we came across a fellow who had bought into that property but, because of those challenges, he knew he would not move in and he decided to buy into another property. That same day, Channel 7 found another gentleman who was still waiting to get into that property. There were people walking past those properties, looking at what could be their homes. What do those people have to do? They have to pay rent somewhere else. They probably already have down payments on those properties. They probably have to pay interest on their mortgages. That is an attack on the working class—those 10,000 homes that are being held hostage by this industrial action.

The Premier wants to bury his head in the sand on this. Of course, when Ray Hadley raised it with him a couple of weeks ago, he said it was the first he had heard of it, but we know that is not true because the Hon. Damien Tudehope raised it with him in budget estimates. I certainly raised it with Minister Scully in planning estimates, and I know it was raised with the Hon. Penny Sharpe in the environment and energy estimates. The Government has been fully aware of it, but it wants to bury its head in the sand. Today, for the first time, we might actually have heard an explanation from the Hon. Daniel Mookhey as to why the Government will not take action under section 424 of the Fair Work Act. That is not something that the Government has ever said before.

In fact, the Premier said, "I don't know anything about it. I'm getting my head around this matter because it hasn't been raised with me before." The Government has obviously considered this point, and it has made a determination to not seek action. That is not what we have heard before from the Minister for Industrial Relations, the member for Canterbury. She has never outlined the case that the Treasurer has outlined today. It would be great if Government members were up-front with the people of New South Wales, and with the people who are waiting to get into those 10,000 homes, and said, "Sorry, but we're not on your side. We are on the side of the unions, and we're not going to act."

**The Hon. MARK BUTTIGIEG (14:59):** I declare up-front that I have been a member of the Electrical Trades Union since I was a first-year apprentice in 1982, and I intend to remain so until the day I die. To the Treasurer's point, why on earth would we take the Opposition's advice about section 424? On two occasions, in 2018 and 2022, those opposite failed miserably under that same section. There was probably more macro-economic evidence of community-wide disruption when they sought to overturn the rail union industrial action than there is in this case. In this case, individual businesses are being affected. Yes, they are being put out and it is costing them money, but it is not statewide economic damage. That application would fail miserably.

Further to the Treasurer's point, I note that under section 226 there is a provision for individual companies to make cases to the commission to have their particular circumstances overturned. This has happened on a number of occasions. We support the industrial relations system as manifested by the Fair Work Commission and the Fair Work Act. Members of the Opposition should think about whether or not they do, and also whether or not Dutton does, because the message we are getting here is that the system is working perfectly well. Members have to be balloted on industrial action. It is called protected action because the law recognises that it is legal if you ballot the members and if the commission says a suite of actions is okay to take.

People have the right in law to exercise their leverage by withdrawing their labour to extract industrial outcomes. That is exactly what is happening at Essential Energy and Endeavour Energy. It has happened at Transgrid, and it is happening at Ausgrid. The system employed through those instruments will sort through this dispute as it has done at Transgrid and Endeavour Energy. As the Treasurer pointed out, thanks to the Federal Labor Government's recent reforms on intractable bargaining, these disputes cannot go on forever. Instead of coming into the Chamber and rubbishing unions for taking valid action on behalf of their members, the Opposition should tell us what it would do to the industrial relations system that it does not seem to support. It does not appear

to support protected industrial action, and we would like to hear the alternative from a party that purports to be the next government of Australia, which has been built on a system of fair and equitable industrial relations.

**The Hon. MARK LATHAM (15:02):** It cannot be doubted that there are a lot of Labor MPs who are experts on industrial action. We know where that comes from. At the same time, this motion is a bit like debates about foreign policy in this Chamber: It is the wrong jurisdiction. We are dealing with the Commonwealth Fair Work Act 2009.

**The Hon. Anthony D'Adam:** Not on Wednesdays. On Wednesdays it is allowed.

**The Hon. MARK LATHAM:** I know the Hon. Anthony D'Adam will soon, along with President Trump, solve the problems of the Middle East. He should be our special attaché to help the new president, and then this would all be over by early next year. The members can have that delusion about solving the problems of the world out of this humble Chamber, and we can do that with the industrial relations system as well.

**The Hon. Damien Tudehope:** We have reserved powers to ourselves—

**The Hon. MARK LATHAM:** Is it the reserved powers? There is also a reserved stereotype that the Liberal Party normally applies to members of the Labor Party, which is that they are all run by the unions. That is what the Liberal Party has said for decades, if not longer. This motion is the reverse of that. It is saying that the old stereotype is not quite right, that Liberal members are expecting the Labor politicians to run the Electrical Trades Union [ETU], and to tell it to drop its action and get back to work. I do not think those things are feasible. The relationship between Labor MPs and the unions is always complex. It is never clear-cut. From time to time they have received some wounds that show that. The industrial action that we see so often now on Macquarie Street is evidence of that.

Where has it come from? The Deputy President, Ms Abigail Boyd, made a valid point when she was involved in the debate that it is a product of inflation and the cost-of-living crisis. The Morrison Government, aided by the former State Government and former member, Matt Kean, overinflated the COVID recovery and blew up inflation. Workers have been trying to recover their real wage capacity thereafter. With the complexity of this being in another jurisdiction, it is not a motion that should have come before the House. Seeing as it has, I have been fascinated by some of the projects that have been held up. Do not tell me that the Leader of the Opposition, the Hon. Damien Tudehope, is now blaming the ETU for what has not happened at the aerotropolis. Paragraph (2) (a) (vii) of the motion says that it is the ETU, and not Stuart Ayres, which has failed at the "flopotropolis", where absolutely nothing has happened.

I have always said that you could have built a whole new city out of Ayres' press releases if you put them together like LEGO and accumulated them. In substance, the aerotropolis at the so-called "Bradfield City" has amounted to nothing other than the great Liverpool City Council having "Bradfield City" on its street signs. That is the extent of it. I do not buy for a moment that the failures at the flopotropolis are because of the ETU. This motion is inflated, and it is in the wrong jurisdiction. There are a few aspirants in the House, including one in the running for Federal Parliament. It is nice down there, but I think it is better here. I do not think this motion belongs.

**The Hon. ANTHONY D'ADAM (15:05):** The mover of this motion routinely tells this House that he is the friend of the workers. He often trumpets it—except, it seems, when workers are represented by a union. He then wants to put his finger on the scale in favour of shareholders. This bloke is a notorious shareholder. He is suggesting that workers who are exercising their basic rights in a bargaining system should have those rights extinguished whenever the Coalition thinks it is inconvenient. It was the Coalition that championed the move to a decentralised industrial relations system.

When that arrangement was put forward, there was an understanding that, by abandoning compulsory arbitration, which has underpinned our industrial relations system for 100 years, the trade-off would be that you would have bargaining partners and that workers would have a protected right to take industrial action. Industrial action is the only bargaining leverage in this system that workers can bring to the bargaining table. The Coalition wants it all on the side of the bosses. It wants the system to be all in favour of employers and shareholder value, but not in favour of the workers. It is appropriate to allow a bargaining system to operate as intended. Sometimes, workers exercise their rights, and it has an impact. Of course it is going to have an impact, but there are two sides to a bargaining process, and employers must accept some culpability in this. Ultimately, we have to ask ourselves if there is a vulnerability to the economy which is created by this bargaining. Why are we in this situation? It is because members opposite thought that those assets should be put into private hands.

*[Opposition members interjected.]*

They cannot say that they are going to shift these critical assets, which have a major impact on our economy, into private hands and then complain about the consequences when, as a result of bargaining in a private

system, workers take industrial action and it has some impact. I think that is a ridiculous proposition. We should reject this motion. It is unfair. It is indicative of the absolute class bias of those opposite. They do not care about workers. They never have, and they never will.

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

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** The Clerk will stop the clock.

**The Hon. Daniel Mookhey:** I was reluctant to interrupt the Hon. Anthony D'Adam when he was speaking. We on this side have been respectful of speakers on the other side. They have been heard in silence. It is only fair that all speakers are heard in silence during this debate. Regardless of what members think of others' respective views, that is a courtesy we can extend to each other.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** I thank the Minister.

**The Hon. NATALIE WARD (15:09):** I support the motion and thank the Hon. Damien Tudehope for bringing it to the House. We on this side of the Chamber have asked questions in estimates and in question time. The honourable member brought a motion before the House in the correct way, to give members the opportunity to vent the issues, because we are not getting any answers. The fact is that significant damage has been caused through the industrial action, particularly in relation to the south-west metro conversion, the M1 Raymond Terrace extension and the M7-M12 interchange. Those are enormous projects on timelines. To say that it is a right to protest and hold them up may be one thing, but it does not consider all of the other impacts to those timelines, to the cost of those projects and to commuters. There seems to be no union for commuters in New South Wales—the people who have to catch these transport options and drive along these roads, and who are trying to get to their places of work and home again, or to their families.

It is also interesting that Labor members do not seem to take into account the impact on anyone else. I know that the ETU wrote the speeches for those Labor members. I know that Sparky has to pay homage to their union mates and leaders. But the fact is that the unions represent 10 per cent of the population in New South Wales. This Government is choosing to ignore the other 90 per cent. The people who are impacted are the small businesses and the self-employed. There is no union for the self-employed.

**The Hon. Dr Sarah Kaine:** Yes, there is.

**The Hon. NATALIE WARD:** I thought we were being heard in silence. Someone who takes a punt, backs themselves and sets up a business does not get the luxury of taking industrial action. They do not get paid a cent if they take industrial action. Delayed projects cost money. There is not a magic pudding or a bottomless pit of money. It costs people their livelihoods and business solvency. That can result in huge problems for them, their mental health, the state of their business and their families, and it is entirely unfair. The impact on them seems to be dismissed without consideration. They do not get the luxury of taking those steps.

There were some questions today about drivers. We exist in a parallel universe where the unions are so much in charge that in New South Wales we have drivers on driverless trains. Under NSW Labor, entities that are set up not to need a driver have drivers on them. That is the state of play in this universe. I support the motion. Local roads upgrades are critical to people, and we hear endlessly from them that they want the roads completed. It is critical electrical work. I commend the motion and the Hon. Damien Tudehope for bringing it.

**The Hon. Dr SARAH Kaine (15:12):** I oppose the motion. I want us to take a moment to think about why we are discussing this today. I echo my colleagues' thoughts. We are talking about a problem that developed because of the previous Government's actions. It was under the previous Government that Transgrid, Endeavour Energy and Ausgrid were privatised. When the previous Government did that, it took away options for the New South Wales Government to take action. That is what privatisation does. It is for the Liberal Party to explain why it privatised those entities and removed the potential lever that the Government had as an asset owner to intervene in industrial disputes.

Let us not also discount that we should ask for some accountability with regard to what that has meant for consumers. We have often described the outcomes of privatisation for this State and the impacts it has had on the lives of our community. I was dismayed to read about the findings of the first Bus Industry Taskforce, which spoke about how service quality in relation to on-time running and reliability had deteriorated, most notably in privatised regions where driver shortages and widespread cancellation were most acutely felt. Another policy area where we saw privatisation, disturbingly, was the child protection system, which was left to essentially spiral out of control. The report from the Auditor-General—hardly a mouthpiece for the Labor Party or the unions—found that the outsourced system promoted by the former Government designed and implemented a child protection system that is ineffective and unsustainable.

We also need to reflect on what privatisation does for the workforce in privatised sectors. The ETU example that we are talking about now is just one example. There are others. Let us look at the privatised bus industry where we have seen essential workers of bus services who found themselves the victims of a race to the bottom. The competitive tendering process of those services encourages private providers to degrade workers' pay and conditions. Worse than that, we saw cases in the bus sector where the private companies had engaged in outright wage theft and were then rewarded with further contracts of millions of dollars by the previous Government. There is quite a case for the previous Government to answer regarding their actions and approach of privatisation and the legacy left to us across a range of issues, including our capacity to deal with industrial relations.

**The Hon. DAMIEN TUDEHOPE (15:15):** In reply: I thank all the members who contributed. The position of each one was predictable. Regarding your contribution, Madam Deputy President, I urge you to look at polls relating to the performance of The Greens and why there is a race to the bottom in that polling. They are so out of touch with reality.

**The Hon. Anthony D'Adam:** Point of order: The member should be speaking to the substance of the motion. His contribution, while it might be entertaining and interesting, has no bearing on the substance of the motion or any contribution made during the debate. Therefore, it should be ruled out of order.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** I uphold the point of order. I ask the member to come back to the point.

**The Hon. DAMIEN TUDEHOPE:** I am sure you do, Madam Deputy President. I also urge members, including the Hon. Mark Latham and the Hon. Dr Sarah Kaine, to read section 424 of the Fair Work Act. Dr Kaine, I suggest you read the section. What it does is—

**The Hon. Anthony D'Adam:** Point of order: The member, as he well knows, needs to direct his contribution through the Chair and not to a member on the other side of the Chamber, with pointing, gesticulation and elevated speaking tones. That is completely out of order and inappropriate.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** Order! I have heard enough. I uphold the point of order. The member will direct his comments through the Chair. I refer him to the standing orders.

**The Hon. DAMIEN TUDEHOPE:** More importantly, the Treasurer articulated a position. He said, "We have no track record." There is one important problem with that. In 2018 we won. Perhaps the Treasurer did not get that point. I suggest to him that when he says, "Your track record is not able to be relied upon," he go back and read the decision. We won, and there is precedent for us bringing actions and being successful in circumstances where the economy is impacted. The problem the Treasurer will have is that his Government has prioritised—

I seek leave to have an extension of 45 seconds.

**Leave not granted.**

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** Order! Is leave granted?

**Leave granted.**

**The Hon. DAMIEN TUDEHOPE:** I am indebted to the Treasurer. The importance of this motion is that it was an opportunity for those opposite to acknowledge that the New South Wales economy is impacted by continuing protected action. There must be a point at which a government that is responsible for the economy of this State says, "We prioritise the economy and the working people of this State for the purposes of making sure that businesses that provide electrical services, certifications and the like are properly looked after", not just putting one side of the debate. In effect, this motion says we have reached that point.

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

**The House divided.**

Ayes .....13  
Noes .....21  
Majority.....8

AYES

Barrett  
Carter  
Fang (teller)

Maclaren-Jones  
Martin  
Merton

Rath (teller)  
Ruddick  
Tudehope

## AYES

Farlow  
MacDonald

Munro

Ward

## NOES

Boyd  
Buckingham  
Buttigieg  
Cohn  
D'Adam  
Donnelly  
Faehrmann

Graham  
Higginson  
Houssos  
Hurst  
Kaine  
Latham  
Lawrence

Mookhey  
Moriarty  
Murphy (teller)  
Nanva (teller)  
Primrose  
Roberts  
Suvaal

## PAIRS

Farraway  
Mitchell

Jackson  
Sharpe

**Motion negatived.**

*Bills***WATER LEGISLATION AMENDMENT BILL 2024****Returned**

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

**JUSTICE LEGISLATION AMENDMENT (MISCELLANEOUS) 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. Daniel Mookhey.**

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

**Statement of public interest tabled.**

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

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

**Motion agreed to.**

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

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

**Motion agreed to.**

*Motions***CLIMATE CHANGE**

**Ms SUE HIGGINSON (15:29):** I move:

(1) That this House notes that:

- (a) the Bureau of Meteorology and the CSIRO's *State of the Climate 2024* report just released has found Australia has already warmed by 1.51 degrees, with more extreme heat events over land and oceans, longer fire seasons, more intense heavy rainfall and sea level rises;
- (b) research released today in *Nature Geoscience* has revealed that the current 1850 to 1900 baseline average temperatures underestimate the likely warming from the beginning of the industrial revolution by approximately 0.19 degrees Celsius;
- (c) around the world disasters are becoming more intense and more frequent, wreaking increasing damage and causing more loss of life;



- (d) the number of disasters has increased fivefold over the past 50 years and are occurring three times more often than they did in the 1970s and 1980s; and
  - (e) the severity of impacts will depend on how fast dangerous greenhouse gas emissions can be reduced.
- (2) That this House notes that:
- (a) 2,364 jurisdictions in 40 countries have declared a climate emergency and populations covered by jurisdictions that have declared a climate emergency amount to over one billion citizens;
  - (b) 36 of 128 local government jurisdictions in New South Wales have declared a climate emergency;
  - (c) the Australian Capital Territory Labor-Green Coalition Government declared a climate emergency in 2019; and
  - (d) the South Australian Parliament has passed climate emergency motions in both Houses.
- (3) That this House calls on the Government to declare a climate emergency.

The impacts of climate change have been with us for some time and they are more pronounced now than ever before in human history. The first observations of the greenhouse effect, caused by the burning of coal during the Industrial Revolution, were likely made by the American scientist and women's rights campaigner Eunice Foote, several years before United Kingdom researcher John Tyndall published similar results. For more than 150 years, we have known that carbon dioxide increases the absorption of heat in the atmosphere, which causes more water vapour to be present and increases the heat of the atmosphere. That cycle is very well understood; we learn about it in primary school. But it is still the subject of new discoveries that challenge the current paradigm of climate knowledge.

The climate baseline that is widely used to assess the state of our climate uses a period from 1850 to 1900, but that period begins more than 90 years after the Industrial Revolution caused industrial coal furnaces to begin the heating that we are now experiencing. Those 90 years are significant and, despite sparse temperature recordings prior to 1850, measurements of Antarctic ice cores can demonstrate a likely range of temperature from before the beginning of our current standard baseline. Research published in *Nature Geoscience* yesterday demonstrates reliably that our global average temperature is significantly higher today than we expected it to be. Instead of 1.3 degrees Celsius, we could well be at 1.49 degrees of warming and, as of October this year, new published methods show we have hit 1.53 degrees of warming.

Recently the Bureau of Meteorology and the CSIRO released their biennial *State of the Climate* report, which demonstrates that our domestic average temperature has increased by 1.51 degrees since our national records began in 1910, 150 years after we started pumping greenhouse gases into the atmosphere at an industrial scale. The science of climate is conducted within a narrow range of tolerances, tolerance of us as a species for our civilisation, certainly, but also for the natural world. Us, the environment and all things that live with us are in existential peril beyond a 1.5 degree warming scenario, a tipping point that we are likely beyond already. The visceral evidence of global warming is all around us, internationally and in our domestic and local environment.

The list of unprecedented observed weather impacts is too long to mention. Even if I stood here for the remainder of today, tonight and tomorrow, it is too long. The deadly floods in Spain, Italy, Poland, the Czech Republic, Romania and Austria, along with the wildfires that are burning in New York and New Jersey today, are demonstrative of how we must be prepared for the unpredicted and predictable consequences of global warming changing the world's climate. Beyond the dramatic images that those climate events create, global warming brings far deadlier conditions, which are silent. Land and marine heatwaves and extreme heat are rarely recorded as a cause of death. Rather, heart failure, dehydration and other underlying conditions are the officially recorded causes of death when extreme heatwaves strike. Australia has been a hot country, but it is becoming hotter and drier. Over 10 million Australians live in areas of high to hazardous heat risk, with 3,000 of us dying each year as a result of heatwaves. That is a horrendously high number that dwarfs the tragic 65 deaths caused by bushfires between 2011 and 2022.

That brings us to the declaration of the climate emergency. The visibility and the profile of the cause should match our promotion of the impacts caused by it. Climate breakdown, the rate of change and the current and future impact is an emergency. In 2022 Australia joined other Pacific countries in declaring that the Pacific is facing a climate emergency. According to documents from the Department of the Prime Minister and Cabinet obtained under freedom of information laws, the declared climate emergency underscores the urgency of the measures needed to scale up domestic and international ambition and implementation of adaptation and mitigation initiatives. That is simply what the motion is calling for: recognition of the climate emergency and willingness to respond to the fact that we are already in it. To the Minister responsible, the Australian Government has taken that step. It is an important part of our response and preparation.

**The Hon. DANIEL MOOKHEY (Treasurer) (15:35):** I move:

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

- (3) That this House recommits to delivering the bipartisan Electricity Infrastructure Roadmap and achieving the emissions reduction targets set out in the Climate Change (Net Zero Future) Act 2023.

The New South Wales Government supports paragraphs (1) and (2) of the motion because combatting climate change is the challenge of our time. Our commitment to action is unquestionable because the serious impacts are already occurring across our State, as well as further afield. We recognise that there are more extreme heat events over lands and oceans, longer fire seasons, more intense heavy rainfall and sea level rise. The Earth's 10 warmest years on record have all occurred during the past 10 years. Climate projections from the latest global climate models show that temperatures in Australia are virtually certain to continue to rise through this century, with less frequent cold extremes and more frequent hot extremes. Those are the facts, but let us reflect now on the hard lessons climate politics offers in this country.

Building a positive, tangible vision for our future and taking action to deliver it is what has moved us forward. The more grounded in material reality our action is, the more confidence we can give people who are materially affected by this change. Declaring a climate emergency offers nothing tangible except to stoke anxiety in the community. I would ask whether the best decisions occur in a climate of fear. I think past experience indicates they do not. We do not want to slip back into culture wars. When people are worried about their energy bills, we prefer to deliver on the roadmap we have already committed to. When people are worried about the charging range of their electric vehicles, we would prefer to deliver charging infrastructure, which is a practical response as well.

The Government's legislated emissions reduction targets are to achieve net zero emissions by 2050, a 50 per cent reduction in emissions by 2030 and a 70 per cent reduction by 2035 compared with 2005 levels. The Climate Change Act is a driver for a whole-of-government action on climate change and setting up the strong, independent Net Zero Commission to keep current and future governments on track to hit net zero by 2050. The Act locks in climate action as a whole-of-government priority. It is through those initiatives that we demonstrate our acknowledgement of the dire impacts of climate change and our commitment to action. We know the stats: By 2030 we need to reduce 80.6 million tonnes of carbon dioxide equivalent from 2005 levels. By 2050 we need to reach net zero. The time for posturing is over and the Government is focused on getting on with the job.

**The Hon. JEREMY BUCKINGHAM (15:38):** This is a road to Damascus moment for me. My entire adult life I have been a climate activist. I have been alarmed about the potential impact of climate change. I believe in climate change; I think the impacts could be serious. Section 3.2.1 of the Intergovernmental Panel on Climate Change [IPCC] report entitled *Special Report on Emissions Scenarios* states:

Population projections are arguably the backbone of GHG emissions scenarios ...

If we look at the IPCC population projections that underpin those scenarios, they are wrong. They are based on UN population projections that global fertility rates will remain at 2.1 babies per woman from 2035 onwards. That is just not the case. Depopulation around the world is in runaway freefall. Japan has nine million empty homes and a fertility rate below one. China, Korea, Bangladesh, urban India, South America and eastern and western Europe are all in fertility decline and population decline. That is not in the IPCC models. If there are no people, there are no greenhouse gas emissions. The IPCC is saying that population modelling is the backbone.

I am meeting with NSW Treasury to look at how Treasury is modelling greenhouse gas emissions and whether those projections are right. I have been arguing that the IPCC is right for 20 years, for my entire political life. If the projections are wrong, the IPCC is wrong. That is the truth. If facts change, it is incumbent on us to change our view. We need to look at how much those projections are baked into what we think is going to happen. I believe that climate change is happening now, and I believe that it is making some weather events far worse. There is a cost. But how far that is going to go, how seriously that is baked in, is up in the air. It is incumbent on us to look at the data and make sure that the United Nations and the IPCC are using models that have integrity. I do not believe that they do. That is a hard thing for me to say. If one looks at the population models they are using, they are wrong. I ask anyone else to say the opposite. [*Time expired.*]

**Dr AMANDA COHN (15:41):** I speak in support of the excellent motion moved by my colleague Ms Sue Higginson. I have worked in emergency departments and spent over a decade in emergency services as a volunteer, so I know a thing or two about what an emergency is. The motion is about catastrophic floods and fires around the world and here in Australia. While some members are trying to distract us by talking about mathematical modelling, I talk about the very real impact climate change is having right here in New South Wales and the way it is impacting the people that we represent.

I operated the radios in the Lake George fire control centre on New Year's Eve in 2019. That was the night that the town of Cobargo burned. Members have probably seen what those fire control centres look like on the news. There is a big screen and everybody sits in rows facing the screen. There are live mapping updates of the fire spread. There were experts in the room that night who had studied fire management and fire behaviour their

entire careers, whose job it was to predict the spread of fire so that we could communicate with the community and tell them to evacuate. That night, the fire spread faster than any of those experts possibly could have predicted. We were in tears as we told people that it was too late to leave and that they had to shelter in place. We all know what happened in Cobargo that night. That is climate change. I received awards for that service, but I do not want to be thanked; I want our elected representatives to take the climate emergency seriously.

I commend my colleague for bringing the motion to the House so that we can have this discussion. The harms of climate change are not all as dramatic as the 2019-20 bushfires. We are learning more and more about the impacts of heat and mental health. UNSW researchers, led by psychiatrist Dr Cybele Dey, have looked at over 55,000 presentations by young people to emergency departments between November and March from 2012 to 2019. They recently published their findings that for every 1 per cent increase in daily mean temperature, there was a 1.3 per cent rise in emergency department visits by young people for suicidality. The effect of heat on suicidality was strongest in Western Sydney and regional areas, likely influenced by factors such as socio-economic disadvantage, less air conditioning and less green space. That is a direct impact of heat on mental health. It is not about anyone's anxiety. Dr Dey said:

Public health messaging about heat is usually limited to heatwaves and focused on the very young and elderly ... but we need to be doing more to warn and protect the entire population, about the impact on both their physical and mental health.

The motion is doing part of that work today. I support the motion and commend it to the House.

**The Hon. MARK LATHAM (15:43):** After listening to the debate, I am happy to declare myself a Buckinghamite. He has had a road to Damascus moment, and I am signing up to that road—other than what he said about weather events. In the time of the Rudd Government, when Ross Garnaut produced his fine report on climate change, he made the astute assessment, which is valid today, that no single weather event can be attributed to climate change. We must be careful in that regard. It is fairly base to confuse weather with climate. Other than those comments, I am very much a Buckinghamite given what he said. No, we have not been choof-choofing together. Rather, we have been looking at the evidence and the science. It is true that the Intergovernmental Panel on Climate Change [IPCC] projections are very much based on the variable of population increase, the theory being that the more people, the more carbon consumption and the more climate change. As the honourable member pointed out, there is a lot of evidence pointing to depopulation. The research of Nicholas Eberstadt in the United States is compelling. He wrote:

Although few yet see it coming, humans are about to enter a new era of history. Call it "the age of depopulation." For the first time since the Black Death in the 1300s, the planetary population will decline. But whereas the last implosion was caused by a deadly disease borne by fleas, the coming one will be entirely due to choices made by people. With birthrates plummeting, more and more societies are heading into an era of pervasive and indefinite depopulation, one that will eventually encompass the whole planet.

We see it in advanced economies, in societies that have an ageing population. It is said that in Japan, there are nearly 10 million empty homes because of the ageing population. In Sydney, of course, there are many more bedrooms than people. The questions of population are crucial to the IPCC projections. If it is wrong in saying there will be a population increase, it is wrong in terms of its assessment of climate change. That evidence is compelling. It is not a matter of the emotion of what happened on New Year's Eve five years ago; it is a matter of assessing the science.

Alan Finkel, former Chief Scientist of Australia, said that Australia accounts for 1.3 per cent of global carbon emissions and cannot influence climate change. That is the basic truth. All of the things that are happening with the energy system are an exercise in economic self-harm from an Australian perspective. In fact, looking at it in terms of population, the greatest contribution that The Greens have made to the climate change debate is to increase the number of "soy boys"—men who will not or cannot breed. That is part of the depopulation phenomenon. The Greens are focused on changing the energy system. What they are doing to some young men, the soy boys, is having the biggest impact of all. Depopulation means fewer people, less carbon consumption—*[Time expired.]*

**The Hon. JOHN RUDDICK (15:46):** After careful consideration, the Libertarian Party has decided not to support the motion. Author and lifelong practical environmental activist Michael Shellenberger has a very different view to the mover of the motion. Shellenberger points out that Working Group I of the Intergovernmental Panel on Climate Change, which is the group of climate scientists who report to the United Nations, does not mention anything like an apocalyptic scenario in its sixth assessment report, released last year. Shellenberger goes on to say:

The use of climate science by climate activists, the apocalyptic activists, is a kind of disinformation campaign. They are spreading disinformation that climate change is an apocalyptic threat ... the science is being corrupted all the time. It mainly occurs in the summary for policy makers and in the press releases and then in the statements made about the press releases and then by the time it makes it into media culture it's just turned into something absolutely bonkers ... the opposite of what the data show ... it's just a very clever disinformation campaign by apocalyptic activists, who if it weren't climate change they would protest about something else ...

Shellenberger concludes:

And then there is illiberalism – the labelling of any political disagreement as tantamount to holocaust denial. And other tactics that we now associate with cancel culture (censorship) ... a kind of totalitarianism, trying to control every aspect of our lives in the name of basically what is an apocalyptic religion.

The mover of the motion, Ms Sue Higginson, claims "world disasters are becoming more intense and more frequent". The facts do not back that up. I ask the member to be not vague but specific: What types of disasters are occurring more frequently? What studies support that claim? It is all in her imagination. We heard about the bushfires of a few years ago. Australia has had bushfires like that for millions of years. Since the First Fleet arrived, they have happened roughly every 10 to 15 years. It is standard practice in Australia. I have sincere respect for Ms Sue Higginson. She is a lifelong frontline activist to protect wilderness areas. I am sympathetic to that cause. I want our remaining wilderness areas to remain protected for millennia to come. But the mover and many others have been misled into thinking that they can save the environment by fighting carbon dioxide.

No-one disputes that carbon dioxide is plant food. For every million bits of atmosphere, there are 400 bits of carbon dioxide. We are meant to believe this tiny trace gas is the atmospheric temperature control switch, but there is no correlation between carbon dioxide levels and atmospheric temperature. A decade ago, Robert F. Kennedy was even more passionate than Ms Sue Higginson about trying to change the weather. Today he has concluded that it is all a delusion peddled by greedy crony capitalists who are manipulating those with a genuine love of the environment, like Ms Sue Higginson. The most urgent thing we can do to save the environment is be liberated from the anti-science folly around carbon dioxide.

**The Hon. EMILY SUVAAL (15:50):** I support the amendment ably moved by the Treasurer, as well as the motion as amended. I speak about paragraph (1) (e) of the motion, which addresses the severity of impacts depending on how fast dangerous greenhouse gas emissions can be reduced. We have a once-in-a-lifetime opportunity to harness some of the potentially positive impacts offered by a shift towards emissions reduction. We are certainly at the front edge of a lot of the jobs and manufacturing technology that it will afford New South Wales.

However, the irony of the motion is not lost on me: A climate emergency motion is being moved in this House by the same party that not long ago teamed up with the National Party to try to block the rollout of high-voltage transmission lines—the very things that will enable us to reach our net zero targets and reduce greenhouse gas emissions. Nevertheless, as someone who takes seriously our obligations under the net zero legislation, which has been moved and passed by this House to move the State towards sensibly addressing the current state of the climate, I support the motion as amended.

Labor's Climate Change (Net Zero Future) Act is obviously the platform and the driver for action across the whole of government. It is going to be an extraordinary task. We have taken that first step of legislating it to move the whole of government towards our emissions reduction targets. We have set up the independent Net Zero Commission to keep this Government and future governments on track. I am also very proud to be a member of the committee that has oversight of that Net Zero Commission. We are committed to delivering the Electricity Infrastructure Roadmap and achieving the emissions reduction targets set out in the Act. I draw members' attention to the urgency of ensuring that we meet those obligations, but also the need to act responsibly and ethically in enabling the infrastructure and jobs required to meet our serious obligations.

**The Hon. NATALIE WARD (15:52):** I thank Ms Sue Higginson for moving the motion. I indicate that the Opposition supports the Government's amendment to the motion and that, if amended, it supports the motion as amended. Climate change is real. It is occurring and it needs action. The issue is well understood. Our communities expect outcomes, and our children rely on us to take action. The former Coalition Government and most members in this place set New South Wales on a trajectory to achieve significant emissions reductions and extract maximum economic advantage from the global transition to renewable energy. Mr President, I also acknowledge on record your role as a Minister sitting in the chair alongside me for some 30 hours. You had a very significant part in leading that change.

Emissions reduction is not just an energy and environmental challenge, but also a great economic opportunity for the people and businesses of New South Wales. The House went through some challenging times to bring that about, but I commend all members—even those who disagreed, opposed and moved many amendments—for ultimately coming together to get that result. All members can be proud of the continued success of New South Wales as a leader in energy transition and the responsible management of climate change. Positive government action needs to be community led and informed. It must be fair and transparent. Declarations serve a purpose but, in our view, actions do so even more.

As an advocate said in *The Sydney Morning Herald*, it is increasingly looking like the previous National Party and Liberal ambition will not be matched by the Minns Government. If the Government wants to declare a

climate emergency, it can do so, but actions are what matter. This Government is a government of press release and spin, not substance. Yet substance is what it will be judged on by the Coalition and by voters. With that, I note that the House has had a very significant role in moving New South Wales forward, and we will stand united with the Government in supporting the amendment. We therefore hope to be able to support Ms Sue Higginson's motion as amended. We encourage the Government to continue our legacy of proactive, positive climate change action.

**The Hon. MARK BUTTIGIEG (15:55):** I support the Government's amendment. It is an important amendment because language matters. It has taken the Labor movement 15 years to find a political pathway through this very pressing world issue. I remind the House that about 15 years ago, extremism and absolutism killed the emissions trading scheme and set us back almost a generation. Whether you believe in climate change or not, we are accountable to the people of New South Wales via the democratic process. Unless we can bring the electorate on board, we will kill emissions reduction legislation again. I remind members that, with the election of Donald Trump in the United States, those things are never too far away.

It is important that we maintain the confidence and faith of the electorate that it is a sensible way forward. The amendment perfectly articulates the sensible position taken by the Government and the Labor Party in general. We now have the democratic licence to do it. Even the Federal Leader of the Opposition, Peter Dutton, is on board, notwithstanding the fact that he wants to solve it with nuclear power. The fact is that the culture wars are over. They are over because the Labor Party has won the debate by taking the sensible centre position and bringing the electorate along with us. When there are members on one side of the House who do not believe it and others who think it had to happen yesterday because we will all die tomorrow, there is a pretty good chance that the Labor Party has got it right when we have everyone on board.

The amendment is sensible because it moderates the language. If we start going out to the electorate saying, "There's a climate catastrophe—a climate emergency. Everything's going to hell in a handbasket. We've got to do it yesterday at the cost of thousands and thousands of jobs," we will lose our democratic licence, we will lose the election and the other side will get into power. It may actually be influenced by the Trumpism we have seen recently. It is always Labor that has to pull off these things because it is the only party that gets into government, has a progressive bent and wants to do these things. I urge the House to support the motion. I thank the Deputy Leader of the Opposition for putting the weight of the Opposition behind it. I thank The Greens for bringing the motion, but I think the amendment is very important. Language matters and democratic licence matters.

**Ms CATE FAEHRMANN (15:58):** I thank my colleague Ms Sue Higginson for moving the motion. I note the contribution of the Government member, the Hon. Mark Buttigieg, who talked about the middle ground. The whole point of the motion is that more needs to be done. We cannot come to the table expecting the planetary and climate systems to be on the other side, ready to negotiate, saying that they will hold back the devastating floods that just killed more than 200 people in Spain or hold back the Black Summer fires. Those fires were not like every other fire that has happened in the country.

**The Hon. John Ruddick:** Yes, they were.

**Ms CATE FAEHRMANN:** No, they were not. If you speak to the survivors of that fire, or the people who witnessed and experienced the Lismore floods, you will know that the weather system cannot come to the table. That is why we need the Government to acknowledge that we are in a climate emergency. In a climate emergency, governments do not approve new coal and gas or keep going as though everything is absolutely the same as it was 20 years ago. It is not, and everybody who endured the floods in Spain or other weather disasters knows that is the case. [*Time expired.*]

**Ms SUE HIGGINSON (15:59):** In reply: I thank members for their contributions. The contribution in relation to population estimates is so off topic from the motion. We are talking about increases in global temperatures that are now tangibly measurable and on the table. They are actually impacting. Up until a few years ago it was not possible to draw a link between extreme weather and climate change with any degree of accuracy, but that all changed in 2004. Scientists at the United Kingdom Met Office have published scientific literature in the *Nature* journal showing that climate change had doubled the risk of the 2003 European heatwave that killed tens of thousands of people. The finding led to the growing scientific movement called extreme event attribution science.

It is a thing, and I am afraid that the men in this place who are literally mansplaining just do not seem to get it. I feel sorry for the situation that they are in, but the facts, the science and the evidence are before us. The motion calls for the declaration of an emergency. It is very measured, non-politicised and non-extreme—none of that weird stuff about democracy holding or about the middle, the left and the right. It is about what is before us now. To the old men opposite who stand up and tell us about the climate emergency or climate change, we are talking—

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

**The PRESIDENT:** Order! The Clerk will stop the clock. The Hon. Greg Donnelly will cease interjecting.

**The Hon. Wes Fang:** Ms Sue Higginson recently took a point of order indicating that members should direct their comments through the Chair and should not point. The member did just that to other members and at the same time made a derogatory and offensive comment about two members of this House. If members want to make those sorts of contributions, they should do so by way of substantive motion. I could take a number of points of order, Mr President, but I think you get the picture.

**The PRESIDENT:** I do. I remind all members to direct their remarks through the Chair. For the benefit of the House, I ask Ms Sue Higginson whether she would withdraw the word "old".

**Ms SUE HIGGINSON:** To the point of order: I realise you have made a ruling, but I take issue with the suggestion that stating that a member is old is offensive. If I say somebody is young, is that offensive or unparliamentary?

**The Hon. Mark Latham:** To the point of order: On behalf of the Hon. John Ruddick, I take offence at him being described as old! It must be withdrawn. We cannot tolerate ageism in this place. All those "isms" are bad, and that is one of them.

**The PRESIDENT:** Although that was said with levity, there is a kernel of truth in what the Hon. Mark Latham says. The member to whom the comment was directed needs to take offence himself. If the Hon. John Ruddick was offended, I ask Ms Sue Higginson to withdraw it. If he is not, we will continue.

**The Hon. John Ruddick:** No, I don't get offended.

**The PRESIDENT:** Ms Sue Higginson has the call.

**The Hon. Natalie Ward:** Point of order: There seems to have been some inconsistency about stopping the clock for the taking of points of order, and it may be a question of discretion. When Ms Abigail Boyd was in the chair—and I am not quibbling with her discretion—the clock was not stopped when the Hon. Anthony D'Adam took a point of order. Mr President, you have stopped the clock. Could we have some clarity or a ruling at a later time about consistency for that purpose? Some members are afforded additional time; others' time seems to be run down. It would be helpful to have some consistency.

**The PRESIDENT:** It is a very fair point. I try to exercise fairness as much as I possibly can, as I know every occupant of this chair does. There is no requirement in the standing orders to stop the clock, so Ms Abigail Boyd has done exactly the right thing under the standing orders. Nonetheless, the point is valid and we will consider it.

**Ms SUE HIGGINSON:** Back to the seriousness of the matter, today's scientists are able to calculate the impact of global warming on droughts, heatwaves and floods with remarkable accuracy. Attribution science is upon us now, and scientists are relying on it and using it. Dr Otto from the University of Oxford showed that the 2018 heatwave that engulfed northern Europe was made twice as likely due to climate change. The motion is simply about putting some truth to the situation and calling a climate emergency in New South Wales, joining the thousands of other jurisdictions across the world and in Australia that have made that declaration. I do not know who wrote the Treasurer's comments that it is pointless or meaningless, but they should tear it up because that is not what the Department of Prime Minister and Cabinet found.

**The PRESIDENT:** Ms Sue Higginson has moved a motion, to which the Hon. Daniel Mookhey has moved an amendment. The question is that the amendment be agreed to.

**The House divided.**

Ayes .....28  
Noes .....8  
Majority.....20

AYES

Barrett  
Buckingham  
Buttigieg  
Carter  
D'Adam  
Donnelly  
Fang

Houssos  
Jackson  
Kaine  
Lawrence  
MacDonald  
Maclaren-Jones  
Martin

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

## AYES

Farlow  
Farraway  
Graham

Merton  
Mookhey

Tudehope  
Ward

## NOES

Boyd  
Cohn  
Faehrmann (teller)

Higginson (teller)  
Hurst  
Latham

Mihailuk  
Roberts

**Amendment agreed to.**

**The PRESIDENT:** The question now is that the motion as amended be agreed to. Is leave granted to ring the bells for one minute?

**Leave granted.****The House divided.**

Ayes .....28  
Noes .....9  
Majority.....19

## AYES

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

Houssos  
Jackson  
Kaine  
Lawrence  
MacDonald  
Maclaren-Jones  
Martin  
Merton  
Mookhey

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

## NOES

Boyd  
Cohn  
Faehrmann (teller)

Higginson (teller)  
Hurst  
Latham

Mihailuk  
Roberts  
Ruddick

**Motion as amended agreed to.***Visitors***VISITORS**

**The PRESIDENT:** I welcome to the Parliament students from Stewart House who are visiting Parliament from various schools across northern New South Wales. They are all very welcome here today.

*Motions***REMEMBRANCE DAY**

**The Hon. NATASHA MACLAREN-JONES (16:18):** I move:

(1) That this House notes that:

- (a) Remembrance Day is a significant day to commemorate the Armistice of 1918, which ended fighting in the First World War, as well as a reminder of our service men and women;
- (b) from a population of less than five million, over 330,000 Australians served during the First World War, and of these, more than 150,000 were wounded, gassed or taken prisoner, and more than 60,000 made the ultimate sacrifice giving their lives for our country; and

- (c) on Remembrance Day the body of an unknown Australian soldier from the Western Front was laid to rest in the Hall of Memories at the Australian War Memorial to acknowledge over 16,900 Australians who remain unknown or unaccounted for on the Western Front.
- (2) That this House further notes that communities gathered across Australia and other parts of the world to pause and remember the sacrifices, courage, and commitment of service men and women and observe a one-minute silence at the eleventh hour.
- (3) That this House acknowledges the:
  - (a) service and sacrifice of Australia's current and former serving men and women and thank them for their service; and
  - (b) families, friends and organisations who support our veterans. Remembrance Day is a sacred day for Australians as we honour the sacrifices, the courage, the integrity and the commitment of our service men and women and, importantly, their families. It marks the anniversary of the signing of the Armistice in 1918, which brought an end to World War I, in which Australia grew and identified itself as a nation. Remembrance Day for Australians has remained strong as we pay tribute to the men and women who served and ensured that our nation's security and freedoms were protected. We also remember those who are still serving in our defence forces and those who died or suffered during wars and armed conflict. Wearing a red poppy, the flower of remembrance, allows us to stop and reflect on its significance to our nation and to the freedoms we enjoy, which are sometimes taken for granted.

This year I commemorated Remembrance Day at a memorial service held at the Manly Warringah War Memorial Park. I was moved by the strong sense of unity, pride and gratitude from the community that had gathered to pay respects and honour the legacy of our service men and women. I thank Councillor Bob Giltinan, OAM, JP, Vice President of the Manly Warringah War Memorial Park Remembrance Trust, for organising the service along with Northern Beaches Council, with support from the Manly Dam park rangers. I also acknowledge the Pittwater council cadets—bugler Vaughan Price, piper Graham Mackay and vocalist David Cosentino—and the Pittwater House Concert Band for their performance.

Students from Manly Vale Public School, St Kieran's Catholic Primary School and Balgowlah North Public School spoke about the Battle of the Coral Sea, Kokoda and the legacy of Sir John Monash, one of our nation's most outstanding military and civilian leaders. He is quoted as saying, "Equip yourself for life, not solely for your own benefit but for the benefit of the whole community." That reflects his style of leadership, duty and service to others. Sir John Monash was credited with the success on the Western Front, and he was rewarded with a gesture from King George V when he was knighted in the field in 1918. As a military strategist, John Monash was ahead of his time. His innovative and modern approach was shaped by his civilian experience and training. He was guided by a focus on ensuring no needless loss of life. He is quoted as saying, "Feed the troops on victory," and would often arrange for hot meals to be delivered to men on the battlefield. His intellect, leadership and passionate sense of service changed the way we did things and earned the respect of the nation.

During the service, while a flock of pigeons was released, we heard about the vital role of carrier pigeons in the war effort, which I was not previously aware of. In fact, many of the pigeons were awarded the Dickin Medal for gallantry for carrying messages during the war. One such pigeon was blue bar cock pigeon No. 139, who during World War II saved a sinking Australian ship containing valuable cargo. The blue bar flew through a severe tropical storm that raged through jungles off the coast of New Guinea in 1945 to relay a message to send a rescue ship to save the Australians on board, as well as the valuable supplies, ammunition and equipment contained on the ship.

When we listen to the historic and heroic stories of Australian soldiers and we wear a red poppy to hold in our hearts those who have died or suffered, when we lay a wreath in memory of the fallen, and when we observe one minute of silence, we allow ourselves a moment to reflect on the significance of Remembrance Day. The sacrifice of so many Australians has allowed me to grow up in a country that is free and to be able to run for Parliament and be elected as a woman, which many throughout the world are not able to do. I also acknowledge all the volunteers and the service organisations that support our veterans and their families. I honour our service men and women and thank them for their service and what they continue to do for and give to our country. Lest we forget.

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (16:22):** I thank the member for moving this motion about Remembrance Day. I think it is a good use of the Chamber's time. On Monday 11 November the nation stopped to honour and pay tribute to those who have given their lives and served their country in wars, conflicts and peacekeeping missions. We also acknowledged the support of their families. This year's Remembrance Day commemorates 106 years since the Armistice was signed to mark the end of World War I. During the Great War, almost 62,000 Australians died fighting for our freedom and in service of our nation, and many more have paid the ultimate sacrifice since. There is no higher public service than offering your own life to protect your country.



A variety of commemorative services took place across the State. The sombre ceremonies included a minute's silence at 11.00 a.m., marking the eleventh hour of the eleventh day of the eleventh month of 1918: the moment when guns fell silent across the Western Front and the war ended. The State's Remembrance Day service was held at the Cenotaph in Martin Place. Hundreds of people made the journey to the city to pay their respects. A sunrise service was also held, which included the projection of poppies on the sails of the iconic Sydney Opera House, proudly organised by the New South Wales Government to honour that important day. Such services are essential to make sure we never forget the service and sacrifices of our veterans and their families.

I draw the attention of the House to one specific element of this year's celebration. Following this year's national Remembrance Day service, New South Welshman Private Richard Norden was posthumously awarded Australia's highest military honour for his courage and bravery during the Vietnam War. Private Norden from Gundagai has received the Victoria Cross for his actions during the battle of Fire Support Base Coral in 1968, where he ran towards North Vietnamese enemy fire to retrieve his section commander, who had been shot. After managing to successfully drag his commander back to safety, the already wounded Private Norden again placed himself in grave danger trying to save another member of his platoon who had been shot. His actions on that day also secured the enemy position and avoided the potential for further casualties of platoon members. On this Remembrance Day, 106 years since the Armistice was signed, we remembered many people who have given their lives, and we also remembered one particular act of bravery.

**Ms ABIGAIL BOYD (16:25):** On Remembrance Day many of us across the country gathered in our collective remembrance of the devastating tragedy of war and the destruction and suffering it brings. We honoured the lives and memories of those called to fight in battles far from home, and in our shared mourning we sought to learn from their sacrifice. We mourn and honour the fallen who never came home. We remember and acknowledge the pain of those who were left behind, trapped for months and years in grief and not knowing, and those whose worst fears were realised. We honour those who came home but for whom a part of themselves was left behind on those bloody battlefields, their minds and bodies scarred, racked with grief and trauma for their fallen friends and comrades and struggling to come to terms with what war had done to them and had made them do.

For many, they endured this unimaginable torment in service to a nation that refused to recognise their own rightful place within it. We remember not just soldiers and their families, but also the doctors, nurses, carers and humanists who risked their lives to save others. We remember all those caught in the undertow of the roiling mass of imperial war-making who were killed or displaced by violence that destroyed their homes, schools and hospitals. We remember those who stayed, and those who were forced to make the terrible decision to leave. We collectively pause to share in remembrance, not to valorise war but to learn from it: to reckon with the fundamental destructive nature of war and its horror.

On Remembrance Day and in events surrounding it, stories are told of individual acts of valour and honour—of brave acts taken by individuals and groups on battlefields and in communities. Some will try to make these stories a narrative of the glory of war, but nothing could be further from the truth. Within these stories are tales of shared humanity, of intertwined connections between people that prevailed despite the ravages and inhumanity of war, not thanks to it. Remembrance cannot just be about the past; it has to be about the future. As the drums of war beat once again, as politicians and pundits push for increased military spending and sabre-rattling in the Pacific, we must be vigilant and resist the urge to repeat the mistakes of the past.

True remembrance requires that we demand that our leaders prioritise diplomacy and peace over conflict. It means investing in community and strengthening ties of solidarity. It means investing in health care and support for veterans, not weapons and warships that will only create more tragedy and loss. Remembrance means recommitting ourselves, fully and wholeheartedly, to learning the only true lesson of war: that it is something to avoid, not invite ourselves into. The bugle call is a siren calling us to a relentless struggle for peace. Lest we forget.

**The Hon. RACHEL MERTON (16:28):** I speak in support of the motion of the Hon. Natasha Maclaren-Jones commemorating Remembrance Day and reflecting on the profound significance of the Armistice of 1918. Remembrance Day marks a solemn anniversary: the day the guns fell silent on the Western Front, bringing an end to the Great War. On the eleventh hour of the eleventh day of the eleventh month, we pause in silent reflection to honour the more than 102,000 Australians who have bravely served and sacrificed in wars, conflicts and peacekeeping operations. This day is not only about remembering those lost in World War I but also commemorating the heroic sacrifice of all Australians who have served in conflict since then. From the fields of Gallipoli to the deserts of the Middle East, our armed forces have stood as defenders of freedom and justice, often at great personal cost. It is our duty to ensure that their service is never forgotten and that their stories are passed down to future generations. Each year in every town and city across Australia, we gather to pay our respects.

This Remembrance Day I had the privilege of attending the service at Revesby Workers' Club, where the sense of community and shared respect was deeply moving, and I recognise several dedicated veterans and

community members who played significant roles. Veterans Ray Devnie, JP, and Pat Corbin laid wreaths with others in honour of the fallen. For their roles and participation on the day, I extend my recognition to Christine Butters, the president of Revesby Workers' Club; Linda Downey, a dedicated club director; and Alan Ashton, the former member for East Hills. At Padstow RSL Club I was honoured to meet with Councillor Wendy Lindsay. Many would be familiar with Wendy from her service in the other place to East Hills. I also had the honour of meeting with Padstow RSL Sub-Branch president Trevor Young and president of Kingsgrove RSL Sub-Branch Alan Barnes, OAM, JP, following their commemorative service. I recognise their tireless service to the community.

The participation of schools is commendable, including Padstow Heights Public School, Revesby Public School, Sir Joseph Banks High School and St Therese Catholic Primary School Padstow. It shows that the spirit of remembrance continues to live on in younger generations. I also recognise the 233 Army Cadet Unit St George led by Captain Ann Hook. I met some of her members there, and I commend them for recognising the army values of courage, initiative, teamwork and respect that are upheld by the Australian Army Cadets. Lest we forget.

**The Hon. EMILY SUVAAL (16:31):** I support this important motion and acknowledge the Hon. Natasha Maclaren-Jones for bringing it to the House. This Remembrance Day I attended a service at Club Taree in my duty electorate of Myall Lakes. I thank Club Taree for putting on a wonderful service, as it always does, conducted by the Taree RSL Sub-Branch. I was joined on the day by my colleagues MidCoast Council Mayor Claire Ponton and Councillor Digby Wilson. I acknowledge Inspector Matthew Hinton from the local area command and Alison Penfold, who was there representing Dr David Gillespie, the member for Lyne.

Remembrance Day is an important day for all of us to pause and reflect on our own association with those currently serving or those who have served. It is also an important day for us to remember, as this motion rightly points out, the families, friends and organisations that support our veterans. In speaking to the motion today, it would be remiss of me not to make specific mention of my colleague and good friend the Hon. Joel Fitzgibbon, who we know tragically lost his son, Lance Corporal Jack Fitzgibbon, in the last year. My thoughts were certainly with the Fitzgibbon family and particularly Joel at 11.00 a.m. as we stood and remembered in silence. It is an obviously important time in terms of the history of the day, but it is also an important time to stop and reflect on the service of others and the sacrifices that they and their families make in the call to duty. I know this House has previously acknowledged that service, but I specifically mention the importance of ensuring we have ongoing support for not just our veterans but also their families, who are so impacted by all of their work.

**The Hon. CHRIS RATH (16:33):** Thousands of years ago, long before the first Remembrance Day, Pericles wrote a timeless elegy celebrating those who had fallen for their country, which still rings true today:

Each has won a glorious grave—not that sepulchre of earth wherein they lie, but the living tomb of everlasting remembrance wherein their glory is enshrined ... Take these men for your example. Like them, remember that prosperity can be only for the free, that freedom is the sure possession of those alone who have the courage to defend it.

In 1914, from a population of just five million, more than 400,000 Australians enlisted in the Australian Imperial Force. More than 60,000 Australians lost their lives in Gallipoli, in the Middle East or on the Western Front in France and Belgium. That is a devastating loss for what was a very small Australia. Most thought the death toll was so great that it would be the "war to end all wars".

Only two decades later the actors of evil plunged the world into another catastrophic war and, of course, even today the forces of evil persist, and democracy and liberty are threatened. As Pericles said, we must always have the courage to defend freedom, as our great Australian heroes did. They risked their lives so that we can live in a free and prosperous world. They took the bullets of totalitarianism and evil for us. They courageously ran towards the incoming fire, not away from it, so that we would not have to. As one of my heroes, the great G. K. Chesterton, once said, "The true soldier fights not because he hates what is in front of him, but because he loves what is behind him."

In 1993 an unknown Australian soldier was interred in the Hall of Memory. This unknown soldier represents all Australians who have been killed in war. The significance is that we do not know this soldier's name, rank, ethnicity, religion, socio-economic status or otherwise. What we know is that he was an Australian patriot who defended our country. He represents our foundational values and he sacrificed himself for our safety and prosperity. He shows that real glory does not belong to empires or political leaders. He shows that we do not glorify war, but we do glorify the sacrifice of ordinary Australians. They are the real heroes. They are ordinary Australians, but they are also extraordinary Australians. Lest we forget.

**The Hon. WES FANG (16:36):** On the eleventh day of the eleventh month every year, we celebrate Remembrance Day. It has been that way for decades, and I do not think Remembrance Day loses any significance as we move further away from conflicts because we always recognise that there will be a need to acknowledge and understand the sacrifice made by the people who fought and laid down their lives for this country. But some

Remembrance Days are more memorable than others. That was certainly the case 100 years after the guns fell silent on the Western Front.

In certain communities, some Remembrance Days will be remembered more than others. For the community that I call home, this year's Remembrance Day will be one that will be remembered not for any particular anniversary but for the fact that a private from Gundagai was honoured with the Victoria Cross medal. The acting Leader of the Opposition in this House mentioned Private Richard Norden already, but for somebody so young to show such bravery and gallantry on the battlefield, where he put his own life at risk many times in order to save his mates and recover the body of another soldier, I think exemplifies why we have Remembrance Day and why it is so important that the tradition continues into the future.

Yesterday I gave notice of a motion that I am sure on a future private members' day we will have the opportunity to discuss that acknowledges and pays tribute to Private Richard Norden and the receipt of his Victoria Cross. The fact is that Remembrance Day means so many things to so many people, depending on who you are and who you have lost. For the community I live in and the people I represent, this Remembrance Day will be of particular note because it was finally a recognition of somebody who long deserved and finally received the Victoria Cross.

**The Hon. JACQUI MUNRO (16:39):** On Sunday I attended a Remembrance Day ceremony with the NSW Association of Jewish Service and Ex-Service Men and Women. Their patron, the Governor of New South Wales, was there amongst other dignitaries, including Kellie Sloane, the member for Vaucluse; David Ossip, the president of the NSW Jewish Board of Deputies; and Dr Marjorie O'Neill and the Hon. Ron Hoenig, representing the Government. Having attended the Coloured Diggers March on Anzac Day, I note also the enormous sacrifice made by people who are from particular groups that may have migrated here and may have not felt the best of what a Western liberal democracy might offer some. These people offer so much to us as citizens of this State and country by putting their lives on the line and knowing that, for their families and communities, there is something better to fight for despite what they may have experienced themselves. This is the spirit of what we want to honour on Remembrance Day. I note these groups which are contributing to our society in so many ways. They deserve our respect and recognition in this place.

**The Hon. NATASHA MACLAREN-JONES (16:41):** In reply: I acknowledge the contributions of members, including the Hon. John Graham, Ms Abigail Boyd, the Hon. Rachel Merton, the Hon. Emily Suvaal, the Hon. Chris Rath, the Hon. Wes Fang and the Hon. Jacqui Munro. We often debate these motions at different times over the term of the Parliament. It is always interesting to see the different perspectives and contributions that members bring to this debate. It is important to reflect on past wars and those who served in them, those who served alongside them and also those who served at home, and in particular the women who took up jobs when the men went to war. However, it is also important to reflect on more recent wars and on those who are currently serving.

It was particularly good to hear the Hon. John Graham speak of the posthumous Victoria Cross awarded to Private Richard Norden. Over the past decade, we have seen many more Australians acknowledge those who served during the Vietnam War, and also acknowledge that support is required for those who served during the Vietnam War and for those who have served more recently as well. It is important on Remembrance Day to acknowledge the amazing work of organisations like Legacy and their volunteers, who are often not servicemen or servicewomen. They come forward as Legatees to support families. I particularly acknowledge the junior Legatees, who are children who have lost a parent due to service.

I also acknowledge organisations like the RSL. I give a particular shout-out to RSL NSW, which is currently doing its Remembrance Ride. I think it started on Sunday this week in Cowra. I also thank the numerous organisations that are there to support our returned servicemen and servicewomen, who need that support to ensure that they do not fall through the cracks and that they are getting the medical treatment, financial assistance and housing that they need. We are unfortunately seeing more and more of these being established. I acknowledge them and all of the volunteer organisations as well. I thank all of the members for their contribution.

**The PRESIDENT:** I ask members and officers to stand in their places for a few moments in silence to reflect on Remembrance Day 2024.

*Members and officers of the House stood as a mark of respect.*

**Motion agreed to.**

*Documents***SYDNEY GATEWAY EVENT****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 23 October 2024, I table:

- (a) A return received on Wednesday 13 November 2024 from the Cabinet Office, together with an indexed list of documents.
- (b) A return received on Wednesday 13 November 2024 from the Cabinet Office of documents subject to a claim of privilege.
- (c) A return received on Wednesday 13 November 2024 from the Cabinet Office of documents subject to a claim of personal information.

*Motions***NATIONAL RECYCLING WEEK**

**The Hon. Dr SARAH KAINE (16:45):** I move:

- (1) That this House notes that:
  - (a) 13 to 19 November 2024 is National Recycling Week; and
  - (b) there is an urgent need for New South Wales to reduce waste.
- (2) That this House acknowledges that the Greater Sydney Basin is on track to run out of landfill by 2030.
- (3) That this House supports:
  - (a) action that promotes more re-usable and recyclable alternatives, and that will help New South Wales drive down plastic litter by 30 per cent by 2025; and
  - (b) legislation for homes and big businesses to move to Food Organics and Garden Organics [FOGO] collection as soon as possible, enabling the recycling of food and organics.

During National Recycling Week, it is opportune to draw the attention of the House to the urgent and significant challenges around waste and recycling we currently face. We are on the cusp of a waste crisis in New South Wales. On the current trajectory, we will run out of landfill space for managing Greater Sydney's residual waste—that is, the waste we do not recycle—by 2030. We need to act quickly, together with industry and local government, to address this anticipated capacity shortfall. Failure to do so will likely lead to substantially increased costs for households and businesses, which we cannot afford.

The Government is developing a waste infrastructure plan that addresses our short-term capacity deficits and that will strategically guide investment in the future infrastructure needs for the State, to drive the delivery of reliable waste and recycling infrastructure now and into the future. The issue of landfill capacity shortfall is closely linked to the recycling performance of New South Wales. Since 2016, our overall recycling rate has stagnated at around 65 per cent, while our population and waste generation continue to grow. Much of the waste we have sent to landfill for disposal is potentially valuable material that we can re-use, recover and recycle instead.

The more we re-use, recover and recycle our waste instead of sending it to landfill, the longer our landfills and other residual waste infrastructure will last. A key action that the Government will take to increase the recycling rate is to mandate the separate collection of food organics and garden organics from households and certain businesses across New South Wales. This will drive the diversion of food organics from landfill to more productive uses like compost. It will improve our recycling rates and provide certainty to councils and the waste industry to plan for and invest in collection and processing infrastructure for food organics.

The Government is also looking to take further action to reduce plastic litter in 2025 by 30 per cent of the 2018-19 level by building on previous actions to ban a number of single-use plastic items. Through the release of the *NSW Plastics: The Way Forward* action paper, the Government has consulted on and will look to act on further proposals to reduce plastic litter in our environment and improve plastics recycling. These include proposals to phase out more unnecessary plastic items that persist in our litter stream, to support the uptake of re-usable alternatives to single-use plastic items and to introduce design standards that make re-usable items more easily returned for re-use or recycling.

Another stream of waste that is often not considered is textiles. The New South Wales Government recognises this, and it is supporting a number of re-use and repair initiatives both locally and nationally. We are also supporting Seamless, the national clothing product stewardship scheme, which started on 1 July this year. I acknowledge Ainsley Simpson, the CEO of Seamless, who is in the public gallery. I have circulated quite a lot of information about an event we are holding this evening about the re-use, repair and recycling of textiles, which has been ably organised by Seamless and its membership. It will be held in the Fountain Court at 6.30 p.m. and all members are invited.

It will feature a unique runway show, which I understand is a first for Parliament, and we are very happy about that. It will showcase designs from innovators from New South Wales, Australia and around the globe. It will demonstrate how they are changing the way we choose to enjoy and, importantly, recycle clothing. Seamless will also use the event to launch its new benchmarking research about the scale of Australia's clothing waste challenge. Please come and join us at the dinner break for this event. This is not the only thing that we are doing. The work of Seamless is important, but there are other things too.

The New South Wales Government has also recently funded Charitable Reuse Australia to develop the NSW Reuse Data Study, which demonstrated that, per tonne, re-use generates 25 more jobs in New South Wales than recycling. Re-use and resales save New South Wales communities \$432 million every year, and re-use in New South Wales saves over 320,000 tonnes of CO2 emissions every year. The New South Wales Government is also committed to increasing recycling rates across a range of sectors and developing New South Wales's first re-use and repair strategy. Clothing re-use, repair and recycling is a part of that. We have an extensive suite of other policies in this area. I commend to the House not only the motion but also the event this evening. I hope to see everyone there.

**Dr AMANDA COHN (16:50):** As The Greens spokesperson for waste, I indicate our support for the motion. I move:

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

(c) action that reduces plastic production.

This is an important issue and I thank the Hon. Dr Sarah Kaine for moving the motion. I particularly note her very visible passion for reducing textile waste, including her demonstration of second-hand and thrifted fashion in this Parliament. Recycling of plastic and organic material is important, but any effective waste management policy must include reducing waste at its source. That is the reason for the amendment. I note the part of the motion specifically relating to food organics and garden organics, which is also climate action. Organic waste decomposing in landfill, inefficiently and inappropriately, is a significant source of methane, which lasts in the atmosphere for longer than carbon dioxide. The motion is important not only for reducing waste but also for our climate action.

Coming back to reducing waste at its source, action to reduce production should include things like product stewardship, so that companies that profit from single-use products and packaging, and that have strategies like planned obsolescence, bear some responsibility for the problems they have created. It is those companies who should bear the cost of cleaning up this mess, and not individuals, household and ratepayers. Re-use can be helpful to households in a cost-of-living crisis. I commend councils and community groups that have fantastic local re-use initiatives like toy libraries and tool libraries so that people can borrow household items, like a drill or ladder, that many people own but do not use regularly. That can significantly reduce not just costs for those households but also production of those items that we do not use often.

There is also a part of the motion about the Greater Sydney Basin running out of landfill by 2030. The Greens note the need for increased processing facilities and waste management infrastructure. In a broken planning system, private companies often apply for development applications without the statewide strategic oversight of where the best place is to put those facilities. I note the ongoing controversy in Wingecarribee shire about the proposed Plasrefine facility. That speaks to the need for greater government involvement in strategic planning for those facilities so that they are not thrust on communities by private interests. Councils are part of the solution to the problem. For any proposed food and garden organics legislation to be successfully implemented, councils must be supported so that this is not another cost-shifting exercise onto local government.

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** I ask Dr Amanda Cohn, when moving an amendment in future, to please provide a copy of it to assist the Clerk and the Chair. That goes for all members.

**The Hon. JACQUI MUNRO (16:53):** On behalf of the Coalition, I indicate that we will be supporting the motion and the amendment that has been moved. The Coalition Government, when in power, did a remarkable amount of work to ensure that recycling was at the forefront of people's minds and was a normal part of consuming goods that can be re-used or broken down to make other things. One of those initiatives was Return and Earn, which I think was introduced in 2018. The former member for Coogee, Bruce Notley-Smith, was a huge champion of that scheme. I understand that there have been millions and millions of returns since then, and people make the most of the machines that are dotted around the State. They can collect all their cans and bottles, put them into machines and get a reward for that effort. It is important to ensure that people are aware of those initiatives and that they can benefit from recycling. There is a good reason to recycle, not just to save the planet but also to help your hip pocket.

When in government, we on this side also made sure that there was a clear plan. We had a goal to triple the plastics recycling rate by 2030. In light of things like the failure of the REDcycle scheme, where soft plastics were apparently not being recycled by major supermarkets, a lot of trust was broken down in that environment. People asked what the point was of their efforts to try to do the right thing, recycle, help our environment and save us from the impending tsunami of plastics that may be unrecyclable by other means. We need to build that trust back up, and it is important that there are clear initiatives to do it.

The Coalition Government also banned single-use plastics such as lightweight plastic bags and then single-use straws, stirrers and polystyrene cups. There is a bit of social judgement that now goes with the use of styrofoam cups. For better or worse, that is part of the journey to ensure that we know there are alternatives to the products we previously used. When it comes to food organics and garden organics collection [FOGO], I am very unfortunate. I do not get the opportunity to have FOGO in my house. I have FOGO FOMO, unfortunately. In this conversation, we need to reject YOLO. We embrace the James Bond of environmental action. Recycling: You only live twice.

**The Hon. CAMERON MURPHY (16:56):** I should not even attempt to follow the Hon. Jacqui Munro. But I thank the Hon. Dr Sarah Kaine as the mover of this incredibly important motion that recognises the importance of National Recycling Week. I focus on one particular element of the issue that I find exceptionally important, and that is the Return and Earn scheme that was mentioned by the Hon. Jacqui Munro. In my household, it is the central way that we organise our kids' pocket money.

**The Hon. Wes Fang:** You stingy bastard.

**The Hon. CAMERON MURPHY:** We save up all the used containers over months and have a system of separating the glass, plastic and other ones into different coloured bins. To take up the point that was yelled across the Chamber from the Hon. Wes Fang, they get pocket money each week. This is in addition to that. It serves as an important lesson because it teaches them the importance of recycling. They get something out of it, and the message about the importance of the scheme and reducing waste is rammed home. My only wish is that it would move up from 10¢. I think it should be more, to encourage more people to recycle.

**The Hon. Jacqui Munro:** Speak to the Minister.

**The Hon. CAMERON MURPHY:** That is my personal position, not the Minister's or anybody else's position.

**The Hon. Wes Fang:** It is definitely your kids' position.

**The Hon. CAMERON MURPHY:** My kids would absolutely love it if it would move up to \$1 a can or bottle, I am sure—if not 10 times that. The other aspect I want to talk about is the amendment moved by Dr Amanda Cohn. We must do more to reduce the amount of plastic out there. Every time I walk into a supermarket and buy things like razor blades, they are in six or seven layers of plastic, to the point where we cannot even tear the things open and need to get scissors to cut them open. I know there are important reasons, such as security and anti-theft devices et cetera, but manufacturers and retailers must take much more responsibility for reducing the quantity of plastic that is out in the community in the first place. Consumers are playing their part by recycling, but we should ensure we are eliminating what is pure waste from those manufacturing processes in the first place. I commend the motion to the House.

**The Hon. STEPHEN LAWRENCE (16:59):** I support the motion. I commend the mover of the motion for her interest in this matter. Indeed, she has converted some of us to shopping for recycled or second-hand clothing. She has certainly converted me. I have been a much more frequent visitor to the op shops of Dubbo since I have been exposed to her influence. Those op shops include the Red Cross, Vinnies and lots of others. I look forward to the fashion show. I do not know why my offer to be a model was not accepted. It is a bit sad.

**The Hon. Dr Sarah Kaine:** There were plenty of offers.

**The Hon. STEPHEN LAWRENCE:** Yes. I note other members of the Labor caucus offered as well. The Government supports the motion. I note some of the actions outlined by Minister Sharpe on other occasions to promote more re-use and recycling of plastic items, the reduction of plastic litter and the separate collection of food organics for households and big businesses. Waste and recycling are not just problems to address but also opportunities to contribute to our economy and our way of life. In the Government's strategy towards 2041, there is a lot of mention of the potential in regional New South Wales for recycling businesses and enterprises. I certainly endorse all of that.

Another great example is Return and Earn, the container deposit scheme introduced approximately seven years ago. It has since grown from strength to strength. While South Australia and the Northern Territory introduced their schemes before New South Wales, I believe the success of the New South Wales scheme has

played a pivotal role in the subsequent introduction of similar schemes in the Australia Capital Territory, Queensland, Victoria and Western Australia, and introduction is anticipated in Tasmania next year. Return and Earn originally was conceived as a scheme to reduce litter and has reduced beverage container litter by over 70 per cent since it was introduced.

It is also a recycling success story that provides a predictable, clean source of materials for recovery and re-manufacture into new products. I note that all the containers collected through the scheme are recycled, with over a million tonnes of material recycled to date. Finally, the refunds generated from the return of containers through the scheme have supported a multitude of charitable and community causes since its inception, which has contributed greatly to the social fabric of New South Wales communities. I know the one in Dubbo is well and truly used a lot.

**The Hon. Dr SARAH KAINE (17:02):** In reply: I thank all members who contributed to the debate. I signal that the Government supports the amendment moved by Dr Amanda Cohn. I thank her for her contribution to the debate. I also acknowledge the contribution of the Hon. Jacqui Munro and accept all references to the successful Return and Earn program, which was a great program to initiate. While members do not spend much time congratulating each other in this place, that program is one we should jointly appreciate and continue bipartisan support for. I also particularly appreciated the FOGO FOMO comment. There should be much more of that type of contribution to debate in this place, particularly on a Wednesday to get us through.

I acknowledge the contribution of the Hon. Cameron Murphy, who also acknowledged the importance of the Return and Earn scheme. His comments also go to something that the Hon. Jacqui Munro said. He said that recycling is important in shaping the social norms around how we use materials and making recycling the default activity for all the materials we have in our homes. I would like us to think more about how we recycle textiles. Quite a lot of textiles end up in the red bin. I want us to keep educating the community about what we can do with unwanted textiles. I acknowledge that the Minister, the Hon. Penny Sharpe, is not present today. I do not feel that the Hon. Cameron Murphy and I are empowered to make changes to the Return and Earn scheme in her absence. I note the presence of her diligent staff, who are making sure that we absolutely do not do that. We will not be doing that on the run, but I note that suggestion.

The Hon. Cameron Murphy also referred to the responsibility of producers. While consumers have the responsibility to consider what they do with material post-use, we must acknowledge that producers reap the economic benefit of selling their goods and they bear some responsibility. I use that as a shout-out to Seamless. I notice that Ainsley Simpson has had to leave to get ready for our event, but I acknowledge again that Seamless is attempting to convince producers to accept their share of the responsibility for the waste they create. Finally, I thank the Hon. Stephen Lawrence and note his very generous offer to act as a model this evening. The Hon. Cameron Murphy also offered his "Blue Steel" look. Let me just say that my people will call their people at some stage. I thank all members who contributed to the debate on this important issue. I commend the amendment and the motion to the House.

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** The Hon. Dr Sarah Kaine has moved a motion, to which Dr Amanda Cohn has moved an amendment. The question is that the amendment be agreed to.

**Amendment agreed to.**

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

**Motion as amended agreed to.**

#### **ATTENTION DEFICIT HYPERACTIVITY DISORDER AWARENESS MONTH**

**The Hon. TAYLOR MARTIN (17:06):** I move:

- (1) That this House notes that:
  - (a) October 2024 is Attention Deficit Hyperactivity Disorder [ADHD] Awareness Month and a time to celebrate the achievements of our Australian ADHD community;
  - (b) in 2024 the theme, "Awareness is Key" is the ADHD Foundation's first ever Australian national ADHD awareness campaign;
  - (c) ADHD is the most common type of neurodiversity, and it is characterised by symptoms of inattention, impulsivity, and in some cases excessive levels of hyperactivity;
  - (d) ADHD affects more than 800,000 Australians, including 281,200 children and adolescents and 533,300 adults in Australia;
  - (e) a new Deloitte Access Economics report entitled *The social and economic costs of ADHD in Australia* estimates that the social and economic impacts of the neurodevelopmental disorder are around \$20 billion per year;

- (f) research has also revealed that children and young people who may have ADHD and are not diagnosed and treated were more likely to come into contact with the juvenile justice system, more than twice as likely to receive a community corrections order and three times more likely to be in detention;
- (g) diagnoses of ADHD are increasing due to increased awareness and improved diagnostic practices, support services, awareness and acceptance;
- (h) identification and diagnoses are increasing among females and adults of this disorder that has long been associated with adolescent males;
- (i) symptoms can vary depending on the sex and age of diagnosis, but particularly whether a person presents as inattentive, hyperactive-impulsive, or a combined presentation; and
- (j) the disorder was known as Attention Deficit Disorder [ADD] until 1987, when a revised version of the *Diagnostic and Statistical Manual of Mental Disorders* included a change in the naming and abbreviation from ADD to ADHD, which would include the inattentive, hyperactive-impulsive, and combined presentations as subtypes of the disorder.

(2) That this House acknowledges and celebrates the achievements of the ADHD community in New South Wales.

I begin by thanking the ADHD Foundation Australia and the Australasian ADHD Professionals Association for their work as we acknowledge that the month of October is ADHD Awareness Month. ADHD stands for attention deficit hyperactivity disorder. It is important to shed light on this condition, which is often misunderstood or mischaracterised yet is profoundly impactful for those living with the condition, either diagnosed or undiagnosed, as well as to those around them, both personally and professionally. For decades ADHD has been shrouded in old misconceptions and strong stigma, leaving countless individuals, both children and adults, struggling in silence without the assistance and understanding that are needed. When people think of ADHD, more often than not the first thing they think about is the young child or the little boy in a classroom who cannot sit still, who is always fidgeting and who is constantly in trouble. It is about time that stereotype is left behind. That is why ADHD Awareness Month is so important.

ADHD is a disability and is classified as one legally. It is a neurodevelopmental disorder. People may be quick to think that means that the brain as a whole is later in developing. To be more specific, it has been hypothesised that the disorder could be caused by delayed development of the frontal lobe. As more and more research is done into the complexities of the human brain, it appears to be much more complex than the theories that have been put forward. My understanding—and I am by no means an expert—is that having ADHD means that a person has a difference in the dopamine pathways within the brain, leading to effectively a dopamine deficit. Another theory is that those with ADHD have a higher concentration of dopamine transporters, which leads to the brain using up the available dopamine far more quickly than in those who are neurotypical. This can present commonly as dopamine-searching behaviour.

It can very much present as hyperactivity and/or inattentiveness. To put it bluntly, people who have ADHD can become bored more quickly than most, or can have trouble becoming motivated or staying motivated. That is why people who have ADHD get in trouble and it is why many of us find ourselves drawn towards high-risk behaviours. That is why people with ADHD find it hard to focus on something that does not really engage or excite them. It is why we can end up in heated arguments more quickly and easily than most. A lack of understanding has led to misdiagnosis, inappropriate treatment and a profound sense of differentiation and isolation for those affected, particularly when it is easy to simply be labelled as a bad kid, a troublemaker or an underachiever.

We now recognise that ADHD exists on a spectrum like autism, another well-known neurodivergent disorder, and it encompasses a wide range of symptoms and presentations. That understanding has paved the way for more accurate diagnoses and tailored treatment approaches. One of the most significant developments in recent years has been the increased recognition of ADHD diagnoses in adults. For too long adult ADHD was overlooked, with symptoms often attributed to other factors like stress, anxiety or simply a personality quirk. Today we acknowledge that ADHD can not only persist into adulthood but also go undiagnosed until later in life, significantly impacting an individual's academic, professional and personal lives. It has been just 12 months since I received my own ADHD diagnosis. It has been a real struggle to come to terms with what that means and, to be really honest, it has been hard to find a medication that suits me best, alongside methods other than medication.

The evolution of treatment options for ADHD has paralleled the advancements in our understanding of the disorder. While medication remains a cornerstone of treatment for many, the landscape has expanded to include a variety of non-pharmacological interventions. Despite the progress made, significant challenges remain in the realm of ADHD diagnosis and treatment. One persistent issue is the stigma associated with the disorder. Many individuals continue to internalise negative stereotypes, fearing judgement and discrimination. I have been guilty of that myself over the past year and I have wrestled with what the diagnosis actually means for me.



The stigma can delay diagnosis and it hinders individuals from seeking help and treatment along the way. It can exacerbate the impact on the lives of those with ADHD and of the people around them. On the off-chance that anyone listening or reading this in *Hansard* later is going through a similar experience, my advice is to not hold back. Understanding how the mind works can not only change people's lives for the better but also give them the answers to questions they may have asked for a long while with no answer.

I seek an extension of time.

**Leave granted.**

**The Hon. TAYLOR MARTIN:** Importantly, knowing more about the condition can help people understand the positives, like exceptional creativity. Knowing more about the condition will lead them down a path to recognising that they may well have an edge in problem solving or lateral thinking, particularly the ability to hyper-focus on particular subjects that are of interest, when they find their niche. It has become my view that for those of us who are happy to, speaking up about our experiences will help not only others living with the disorder but also neurotypical people to understand what it can be like for us to navigate some situations—or even just a bad day—and what we need to get through that. With more support from those around us, in our workplaces and in our homes, we can move towards a time when this handicap can be overcome, just like other disabilities that are dealt with together and easily through greater understanding and support.

**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) (17:12):** The Government supports the motion. I thank the Hon. Taylor Martin for bringing it to the House and for his thoughtful and heartfelt contribution. What a great way to open a discussion on this important topic. The theme of ADHD Awareness Month is "Awareness is Key", and the Hon. Taylor Martin's contribution highlights that. We recognise that challenging ongoing stigma and myth busting is incredibly important to supporting people with ADHD and their families and carers. One myth, which the Hon. Taylor Martin mentioned, is that ADHD is merely a consequence of bad parenting and a lack of discipline. It is now comprehensively demonstrated that that is not the case. Some of the behaviours may be a consequence of the chemical imbalances that cause ADHD but it is a very different set of circumstances to those previous misunderstandings.

Another myth that we need to call out and bust is that ADHD is an excuse for laziness and bad behaviour. It is very clear that there are genuine chemical imbalances in people's brains that are not under voluntary control. There is so much about the brain that we still do not know. As the Minister for Mental Health, I reflect on many of the myths and stereotypes about people experiencing mental illness that, even in the past few decades, have changed substantially and for the better. What caused that? It was people being willing to speak up, tell their own stories and talk about their experiences of depression and anxiety. ADHD is no different. It will take the courage of people such as the Hon. Taylor Martin to speak their truth, which will help bring the awareness that is key to understanding that it is a genuine brain disorder, that brain stimulatory imaging has shown that clearly and that the symptoms are not under voluntary control.

An important element is the increased understanding of the impact of ADHD on adults. That is a new element in the way the issue is being discussed in society, and that is very important. From the Government's point of view, our primary response sits within community health. In some ways that is appropriate and important because, as I have recognised, it is a genuine difference in the brain that is causing the issue. Having said that, it is fair to say that if we just have a health-based response, we are letting people down. We need a response that includes education, employment and community services. I look forward to having increased dialogue on this issue within Parliament. I commit the Government to recognising that awareness is key, and we want to support that ongoing awareness within the community.

**Ms ABIGAIL BOYD (17:16):** I support the motion and thank the Hon. Taylor Martin for bringing it to the House today. As someone else who is neurodiverse in this place, I welcome him to the club. It was incredible to listen to him speak about it because there is a journey to go on. There are absolutely chemical reasons for the way that we all think. We now have information and research coming out every day in relation to all sorts of neurodiversity. The research on people with autism is fascinating. But, fundamentally, it is not a medical issue in its entirety; it is also about the way that people think. Some of my bestest, most favourite people in the world are neurodiverse, whether it be ADHD or autism. I would not want us to get caught up in the medical model of disability.

Most of the obstacles and issues that neurodiverse people face in society are caused by society being intolerant and society building those obstacles around them. To put a positive spin on it, we do call it a disability but I am incredibly proud to be neurodiverse. ADHD Awareness Month is celebrated every year in October. Like many other awareness-raising months, it stands to not only educate the broader community about ADHD but also

demand bolder action from governments to improve the lives of people with ADHD, and create a society that not only recognises but values the inherent worth of every individual, regardless of their neurological differences.

The report referenced in the motion is from 2019. Looking at some more recent estimates, this year ADHD Australia and the ADHD Foundation found that around one in 20, or over 1.25 million, Australians live with ADHD, although we think that does not come close to fully accounting for the unknown number of people who remain undiagnosed for their entire lives. We have a long way to go to remove the barriers that prevent people with ADHD receiving assessments, diagnoses, health care and support, and then accessing inclusive education and employment opportunities and genuinely thriving in our society. We need fundamental, transformational change to how we think about people with neurodiversity, in particular. A truly inclusive and successful society is one that celebrates human difference and diversity and encourages all individuals to thrive, with the supports they need to do so.

**The Hon. WES FANG (17:19):** I make a contribution to the debate. From the outset, I thank the Hon. Taylor Martin for moving the motion and commend him for his bravery—not so much his bravery in sharing his story but his bravery in raising the issue, given that it has such a stigma attached to it. He has brought the motion to the House to raise awareness but also to provide his story in a way that shines a light on the issue. I lead for the Opposition in the debate. When I was told that I would be leading, I was told that I was the obvious choice. I am not sure exactly what it is that makes me the obvious choice for this debate, but I suspect that it could be the fact that I understand very well many of the traits that the Hon. Taylor Martin talked about. That would be because I, too, have ADHD. I received the diagnosis when I was around 40 years old. I am now 46, so I have had more time to process it than the Hon. Taylor Martin has. Understanding what it is and then receiving treatment for it has been life-changing for me.

I also put on record that I would undoubtedly not be where I am today if I did not have ADHD. There has been so much talk about it being a disability and about the stigma attached to it, but there needs to be recognition that ADHD is also a superpower if it is channelled and harnessed in the right way. The hyper-focus and inability to concentrate on things that I do not care about meant that I did not do that well in school, but it meant that I was able to excel in the things that I enjoyed and could focus my entire self on. That is, in part, how I am in this place now. For anybody who is reading the *Hansard* or watching the debate and believes that they may have ADHD, they are not alone. There is nothing wrong with them. They may be a high-achieving person. That is all part of what ADHD is. There are issues around diagnosis. If one is able to receive a diagnosis, there are issues in receiving medication.

I seek an extension of time.

**Leave granted.**

**The Hon. WES FANG:** Sometimes there are issues around receiving a diagnosis and receiving medication. It is expensive. But if one takes the journey, as some members of this House have, when they come out the other side they will appreciate not only the diagnosis and the treatment but also that they have been gifted something that makes them different from other people. It is a superpower. I encourage members to see it through that lens.

**The Hon. EMILY SUVAAL (17:23):** I speak in support of the motion to recognise ADHD Awareness Month, which is celebrated every October to raise awareness of ADHD. It is the most common neurodevelopmental condition in children and adolescents, but, as many members have articulated, it can be diagnosed for the first time in adulthood. This year's theme is "Awareness is Key". Awareness is key to many things. Awareness is key to unlocking appropriate treatments. Awareness is key to appropriate supports. But awareness within one's self about the opportunities and the strategies that are available to manage symptoms is also key. There is a key role for health professionals to play in unlocking that awareness. There is also a key role for members of this place to play in unlocking that awareness.

As the Hon. Wes Fang articulated, I fundamentally believe that while some people would say there is a stigma attached, ADHD—and neurodivergence more generally—is a strength in people in terms of their ability to apply themselves in a really unique way. I admire that. It is an attribute. With the appropriate strategies in place, ADHD can enable an individual to achieve quite remarkable things in life. It is important that, as a community, we support people to achieve their goals as much as we can. The New South Wales Government is committed to disability inclusion and the removal of barriers. Raising awareness about the strengths and attributes that people with any form of neurodivergence have is an important thing for members of this place to do to reduce the stigma that can be associated with a diagnosis. To me, a diagnosis is certainly not a limitation or a label but rather something to unlock the possibilities available to a person, with tools and effective strategies to manage symptoms, to unlock their potential to achieve all that they can.

**The Hon. NATASHA MACLAREN-JONES (17:26):** I begin by also acknowledging the Hon. Taylor Martin for moving this important motion. I think it might be the first time that we have debated the topic in this House. I also acknowledge the contributions of Ms Abigail Boyd and the Hon. Wes Fang, and their courage in speaking personally about their stories. With over one million, or an estimated one in 20, Australians having ADHD, it is important that we continue to raise awareness of ADHD and the impacts it has on people and their families. As the Hon. Taylor Martin said, ADHD is often misunderstood and misdiagnosed. It is also under-diagnosed in girls and adults. Raising awareness of symptoms and the need for assessment and diagnosis is key and ensures that people receive the support and treatment they need.

I highlight a Senate inquiry that was conducted in 2023 that explored the barriers to the assessment and treatment of ADHD and the support services available, including the adequacy of State government services to meet what is needed for treatment. Everybody has a different ADHD assessment and diagnosis pathway, and there are particularly different pathways for children and adults. The inquiry found that, even with access to public health services, the assessment and medical diagnosis of ADHD in children is challenging and complicated given the potential for co-existing conditions and development milestones which also need to be evaluated. The significance of addressing better diagnosis and support for ADHD can be demonstrated by how ADHD impacts an individual's life and how they view themselves following diagnosis, which is another reason why adequate access to support is vital.

Over the course of the inquiry, the committee found that barriers to people with ADHD accessing assessment, diagnosis and support services included a lack of services, which could include long wait times for diagnosis by a health professional. That is compounded by difficulty accessing medication, and the cost of medication and other support services. There is inadequate coverage under Medicare, the Pharmaceutical Benefits Scheme and the NDIS, which is compounded by increasing cost-of-living pressures. The committee also found that there were poor consumer experiences, with a lack of understanding across bureaucracy and with GPs using outdated diagnostics assessments.

It was highlighted in the report that there is a lack of support in schools, out-of-home care and correctional facilities. For a lot of young people who come in contact with Youth Justice, that is the first time they get assessed. Quite often they are getting multiple assessments. It was important that the Minister for Mental Health acknowledged ADHD as a disorder but also acknowledged that there needs to be a whole-of-government approach across community services, health and education. That is a challenge. We all know about the challenge of bringing departments together, but I acknowledge that it is a focus of hers.

**The Hon. AILEEN MacDONALD (17:29):** I have a deep sense of responsibility to talk about something we often do not fully understand: ADHD. I thank the Hon. Taylor Martin for moving the motion today. Some of the greatest minds in history may have had a touch of what we now call ADHD: Einstein, da Vinci and even Richard Branson. Those people changed the world with their creativity and brilliance, despite their distractibility. But for every Einstein, there are countless others who are not given the tools or support they need to reach their full potential. The challenge is that ADHD does not always come with a sign that says, "Watch out, I'm brilliant but easily distracted." Instead, it often leads to frustration, especially in young people.

We know that more than 280,000 children in Australia are diagnosed each year. Here is where it gets serious: If we do not support them early, the consequences can sometimes be devastating. Research tells us that children with untreated or undiagnosed ADHD are more than twice as likely, as the Hon. Natasha MacLaren-Jones said, to come into contact with the Youth Justice system. Those kids, who might just need more help focusing but who might not have the right diagnosis, end up being seen as problem children who are disruptive in class, getting in trouble and eventually ending up in detention. It is heartbreaking to think that, in many cases, these children are simply misunderstood.

They are not bad kids. They are kids with a neurodevelopmental condition that affects their ability to control impulses and stay focused. When we fail to intervene early, we end up paying the price both socially and economically. The cost to the Youth Justice system alone is immense. But there is hope. We know that, with early diagnosis, proper treatment and understanding, children with ADHD can thrive. They can stay in school, stay out of the justice system and contribute to society in the incredible ways we know they can. As we recognise ADHD Awareness Month, let's commit to doing more than just acknowledging the statistic. Let's take action to ensure that every child gets the support they need to succeed, because awareness is key but action is what will truly make the difference.

**The Hon. TAYLOR MARTIN (17:32):** In reply: I thank the Minister for Mental Health, the Hon. Rose Jackson, for her myth-busting contribution, and Ms Abigail Boyd for welcoming me to the neurodivergent club in Parliament. I thank the Hon. Wes Fang, my ADHD brother—in this place at least.

**The Hon. Wes Fang:** Not on the outside.

**The Hon. TAYLOR MARTIN:** Don't distract me! I agree that I would not be here if I was not able to hyper-focus in on the subjects that I know and love. I thank the Hon. Emily Suvaal for noting some of the many positives that come from people with ADHD. I thank the Hon. Natasha Maclaren-Jones for noting that there is growing awareness of ADHD and that it impacts females more than has been recognised in recent decades, which is a constant topic of discussion in the ADHD community. I thank the Hon. Aileen MacDonald and note that it is so true that youth with ADHD, whether diagnosed or not, are many times more likely to end up in the criminal justice system. The journey of ADHD awareness—I would prefer to say ADD, but I will not get into that—and treatment has been marked by significant progress over recent decades, but obviously much more work remains to be done.

The Senate inquiry into ADHD noted that at least a million Australians live with ADHD: children and adults, diagnosed and undiagnosed, treated and untreated. A 2019 report by Deloitte estimated that the annual total cost of ADHD in Australia is over \$20 billion per annum, comprising a financial burden just under \$13 billion, with wellbeing losses around \$7.5 billion. Over and above that figure, there are also productivity losses estimated at more than \$10 billion in 2019. People affected will have their own stories of the ADHD tax that many of us joke about, but it does have lifelong impacts on individuals and their families, including on their self-esteem, physical and mental health, relationships, education, employment and financial situation. I leave members with a line from a great write-up on the headspace website, written last year by an anonymous contributor from Mount Druitt. I quote a line from it that aligns with the contribution of Ms Abigail Boyd in her speech earlier tonight:

As a lot of neurodivergent people have said, it is not my neurodivergence that makes me disabled, it's my environment.

Together let us continue to advocate for understanding, support and acceptance for those living with ADHD. Together we can create a world where ADHD is no longer a barrier to success but is a catalyst for innovation, creativity and resilience. With the short amount of time I have left, I have a small ask of the Minister for Mental Health: Could we get the NSW Health website to include the Australian national guidelines, which were published over two years ago? Currently the NSW Health website has a link to the Canadian and the UK guidelines but not our own. There is a bit more work to be done.

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

**Motion agreed to.**

#### *Bills*

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

#### **Returned**

**The DEPUTY PRESIDENT (The Hon. Emma Hurst):** I report receipt of a message from the Legislative Assembly returning the bill without amendment.

#### *Motions*

### **FARM FIREFIGHTING VEHICLES**

**The Hon. SCOTT BARRETT (17:36):** I move:

- (1) That this House acknowledges that:
  - (a) the New South Wales Rural Fire Service [RFS], in partnership with Transport for NSW, conducted a trial involving registration exemption for farm firefighting vehicles to allow farmers to help rural firefighting efforts during the bushfire season; and
  - (b) during the trial period, which concluded on 31 March 2024, farmers were allowed to drive unregistered farm firefighting vehicles within a 100-kilometre radius of their homes to assist with fighting fires in rural areas.
- (2) That this House recognises the success of the trial and the positive feedback from both RFS volunteers and farmers.
- (3) That this House calls on the Government to implement a permanent conditional registration regime to enable farm firefighting vehicles to play a greater role in firefighting efforts during every bushfire season.

Earlier this month there was a fire at Garah, in the north-west of the State between Boomi and Moree. I am told that, as they often do, the fire broke out during harvest and quickly spread through the crop towards some nearby timber on the edge of the town. Thankfully, standing in its way were vehicles from the local Rural Fire Service, two tractors with tow-behind graders, a crop duster that I am told was used for water bombing and, importantly, 15 farm utes towing a variety of water trailers. With that combined fleet and the rapid response of local neighbours and farmers with their privately owned firefighting assets, the fire was quickly brought under control before it reached the nearby timber and threatened Garah itself. By all reports, the fire could not have been stopped without the assistance of those local firefighting units.

That is a common scenario across the State. I am sure we can all imagine that the sooner you get to a fire, the easier it is to control. Thankfully, in paddocks and sheds on farms right across regional New South Wales, there is an army of those farm firefighting units, affectionately known as the "mosquito fleet" due to its ability to quickly swarm to neighbours' properties to assist with firefighting. A lot of the vehicles are unregistered. They are only used when there is an emergency, meaning they sit idle for the bulk of the time, so it is not always practical to have them fully registered, because the cost and rigmarole does not add up. However, that means that, when they are attending to an incident, they do so with a liability and a safety risk for the good Samaritans working for the protection and safety of their local community. We want to address that. That is why we are calling on the Government to take action to do something about the unregistered mosquito fleet.

Earlier this year there was a trial involving just over 200 vehicles. The trial was based on an exemption from registration. However, moving forward to a permanent scheme, it may perhaps be more suitable to have a conditional registration similar to the way farm machinery is conditionally registered for movement between private properties when it has to travel on public roads. Adding an additional step of attaching photos to the application could perhaps address some of the potential safety concerns that I hear came out of the last trial. If a vehicle is not up to scratch, that could be addressed at the point of application by either making the necessary improvements or not proceeding with the registration. Other benefits would come from that as well. It would be great to have a database of all those potential local firefighters, for instance, who could then be targeted with educational material to increase the safety standards for those involved. To semi-formalise the mosquito fleet would give people peace of mind and legitimacy, but also liability cover should something go wrong.

In a way, it is not dissimilar from what we saw in the horrific flooding event in Lismore, where community members conducted rescues in their own boats. The SES simply could not meet the demand, so private boat owners looked to fill the gap. The select committee into the event heard a number of people acknowledge that, including the member for Lismore and now Parliamentary Secretary for Disaster Recovery, who argued that the local community must be incorporated in the flood response as a key feature of disaster preparedness. Obviously, I support that. While I hope and presume that has been addressed through other avenues, NSW Farmers and previous inquiries into bushfires have called for many years for a similar approach to our farm firefighting vehicles. It is a commonsense approach.

Why are we six weeks into the fire season with no permanent arrangement in place? We have already had a trial this year that was designed, to quote the Transport website, "towards implementing a safe, permanent solution before the start of the next bushfire season"—the bushfire season we are currently six weeks into. The State has had a number of fires already this year, including the Garah example I mentioned before. A quick look at Fires Near Me tells me that today there are fires at Coolamon, Parkes, Walgett, Moree, Peak Hill and several other places. We cannot afford to kick it down the road any further; we need some action now. We need the scheme implemented so that, in the words of Minister Graham when the first trial was announced, we can support the farmers "to continue their vital, life-saving work".

**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) (17:41):** Firstly, this is a fantastic motion and I am glad the Hon. Scott Barrett has brought it to the House. The motion refers to the trial. While the Government supports the intention of the motion, I flag that I will move an amendment. Farmers are obviously a critical part of our statewide firefighting effort and an important partner as we manage those issues. The RFS has been working closely with NSW Farmers and the farming community to help mitigate and respond to the threat of fires and the need to protect important agricultural assets. The recent trial of unrestricted registration for farm firefighting vehicles across the State has given us a better ability to do that in such a way that, as the member has articulated, the community works together.

The trial, which allowed farmers to drive vehicles they have used for firefighting within a 100-kilometre radius of their properties, has been a significant step forward. It safeguards farm assets but also boosts community safety. Transport for NSW, the RFS and NSW Farmers worked together on that trial in the past bushfire season. Some 211 vehicles participated, of which 52 per cent were light vehicles and 48 per cent were heavy vehicles. That figure could have been higher if the trial had been extended beyond the initial three-month period, so there was significant interest. The feedback from participants was overwhelmingly positive.

One of the key aspects of the trial was the ease of the registration process, and many people have highlighted that that was the critical enabler. Farmers, who often have a direct and immediate need for those vehicles, found the streamlined registration process to be practical and effective. That was what we heard. Transport for NSW, the RFS and NSW Farmers are now working collaboratively to explore viable options for a more permanent framework. During the trial, certain safety conditions were identified. To give an example, one of those was the overloading of vehicles. Some of those kinks are being ironed out and, accordingly, Transport

for NSW and RFS support a second trial with those alterations made to ensure that there are no outstanding safety concerns.

As such, I move:

That the question be amended by inserting at the end of paragraph (3) ", subject to a second trial addressing any outstanding safety concerns."

During this time, both agencies are engaging and consulting. It is a great example of what can be achieved when we work together.

I seek an extension of time for a further minute so I can put a couple of things on record.

**Leave granted.**

**The Hon. JOHN GRAHAM:** These are the next steps. Transport for NSW will continue to explore and refine the options for a long-term solution. They include a number of possibilities that will ensure that farm firefighting vehicles are registered in a way that meets the needs of farmers and enhances their capacity to respond to fires in a safe way. The first trial was a success, but we still need to resolve some issues before we can move to a permanent solution. They include both the safety issues and some of the insurance issues that surround them, which need to be cleared away before we can take that step forward. The Government would be very pleased to work with the Hon. Scott Barrett on both the details and the timing of the trial. I thank him for moving the motion, which has been helpful.

**The Hon. ROD ROBERTS (17:45):** I make a brief contribution to debate on the motion and thank the Hon. Scott Barrett for bringing it forward. I have had firsthand lived experience—as is the buzzword in this Chamber—in relation to this. Members will know that I have owned rural properties in the past. Unfortunately, I do not anymore and am an urban dweller in Goulburn. We had unregistered trailers on our farms. People from the bush who read or watch this debate would have recognised our big old Silvan fibreglass tank, holding 1,000-odd litres of water, mounted on a homemade trailer and hooked up to an unregistered Ford Courier ute. It was parked on our property permanently, juiced up, with the tank full of water, the pump full of fuel and the ute full of diesel, ready to go in the case of an emergency.

Fortunately, we never had an emergency on our farm; nor was there the need for me to take it off the farm to assist any neighbours in my district. But it was there. There is no way I was going to pay an exorbitant registration fee for a trailer that hopefully would never go off the property and also for the vehicle that towed that trailer. So the exemption and conditional registration process that we are talking about is a good thing. I was heartened to hear the Minister's commitment to the process, but I am concerned about why we need another trial.

The Minister has not said today that there was a record of breaches or abuse of the process. He has not said that the cops have issued infringement notices to 100 farmers who have abused the system. There is no evidence of any of that sort of stuff, so I cannot see the need for another trial. The issue is extremely important. The bushfire season is upon us. The Government has had plenty of time to get this organised, and the Minister needs to understand the seriousness and the need experienced by people who live in rural areas. They cannot just ring 000 and hope the fire brigade turns up in the next five or 10 minutes. It just does not exist. The RFS is manned by volunteers such as ourselves, so the easiest way to respond is to have stuff on farm. It is quick and reliable, and we need to do what we can to support farmers in that regard.

**Ms SUE HIGGINSON (17:48):** I support the motion, with the Government's sensible amendment. Like other members, I have lived on a rural property and have a lot of experience with conditional registration. The system is that people who have a bunch of vehicles that are not normally road vehicles can apply and get conditional registration. The system of conditional registration is a self-declaration process. It is really important that we have that process right—that it is fine-tuned, safe, reliable and consistent across the board. That is the reality of the conditional registration system.

**The Hon. Scott Farlow:** Go Sue Higginson—I like this Sue!

**Ms SUE HIGGINSON:** You can borrow my 7210 whenever you want, Scott, if you are big enough to drive it. The reality is that this is important. I point out that this is not about fire or fire vehicles; this is about what we do in emergencies. This is about what we do when we do not have compliant gear or if there are safety concerns. I will never forget the morning when the tinny operators and owners were told by the SES, "Don't go in the water. Your vehicles aren't registered. You won't be safe." If they had not gone in, we would have had hundreds dead on their roofs and in their roofs. What we are talking about right now is important. I suggest that if the Government thinks that it needs another trial and more time so that communities are equipped safely, securely and reliably to do things at the frequency they are going to have to do them now, I would urge the Government to be real and make it a priority.

I urge the member to bring back the exact motion in the exact form and next time hopefully the Government will support it as is—that is, a program that is ready, that is fit and that the Chamber would clearly support. I understand that some of the conclusions from the trial would put a government in a position where it cannot support the motion as is, like those that the self-declaration did not appear to cover off. There are some problems with the system as designed that should be ironed out because we do not want to put our community members who want to help each other, particularly in the case of emergency, in positions of liability or unnecessary risk.

**The Hon. SAM FARRAWAY (17:51):** Here is a history lesson for the Minister at the table who has carriage on behalf of the Government. This policy started under the former Coalition Government. The policy work started with direct consultation with the NSW Farmers, the RFS and the RFS Commissioner. I know because I started that work when we were in government. This is a very good motion moved by the Hon. Scott Barrett. In many ways I agree with most of what Ms Sue Higginson said, which is quite unusual. But the history lesson and a bit of context is important. Ms Sue Higginson has raised what happens in response to flooding, which is incredibly important, and that story reflects the importance of why there needs to be work in this space.

A main reason that stakeholders—in particular, the RFS and NSW Farmers—brought this to the attention of the then Government to start the policy work was the number of old Landcruisers that are converted into fire trucks across regional New South Wales. In many areas these farmers with privately owned vehicles are the RFS. There may not be an RFS shed within that locality. The local farmer with his '79 or '89 series Landcruiser utility is the RFS. They are the response. I add that with the 3G network recently being turned off, their response is more important than ever. In a lot of rural communities there is very little connectivity through black spots for mobile phones. This policy work started around the whole concept of conditional registration. What I fear in having a trial on a trial and from some of the Minister's remarks is that if the Government allows the bureaucrats in Transport for NSW and the RFS to make these fully registerable vehicles, this policy will not work.

The only way this policy will work is if it is conditional registration where the farmer makes a statutory declaration, walks around the vehicle and ensures that he complies with a checklist that the vehicle is in a basic roadworthy condition to respond in an emergency. When I was the Minister I feared what could happen in a future natural disaster when a farmer responds, and let us use fire as an example. They are the first response; they are out there on the fireground at the forefront, fighting a fire. I feared that there needed to be protection for that farmer in the event there was an accident. That is why conditional registration is needed, where there is basic CTP coverage for that farmer being the first responder in a natural disaster. That is where we need to go.

I seek an extension of time for one minute.

**Leave granted.**

**The Hon. SAM FARRAWAY:** What is important for the Government to take on board from debate on this motion is that if it allows the bureaucrats to win on making these vehicles almost fully registerable, the policy will not work. It will not work. What farmer is going to go to the expense of getting their '79 or '89 series Landcruiser converted fire truck to be essentially a 2024 roadworthy Landcruiser tray back ute? They are not going to do it. Again, when we have a response during natural disasters, they will be exposed. It has to be conditional registration. As Ms Sue Higginson said, maybe refine the conditional registration process with that concession on the registration. That is the way forward. That is how we will get all these fire trucks compliant and that is how we will know exactly how many on-farm fire trucks we have to fight a fire in future natural disaster events.

**The Hon. STEPHEN LAWRENCE (17:55):** I speak in support of a good motion but also in support of the amendment. The expert advice the Government has is that a further trial is necessary. This is a further trial of a good scheme that is enabling firefighting vehicles to travel within 100 kilometres of where they are located to assist in fighting fires. It will be obvious to all members that when one is talking about unregistered vehicles that are travelling outside of where they are located at the owners' premises, safety issues will arise. The expert advice from the public service is that a further trial is necessary for the development of safety standards. We cannot ignore the question of safety standards. This is certainly not a criticism of the people involved in the trial at all, but a range of problems have been identified and these are not the sorts of problems that are able to be ignored. They need to be addressed.

They include, for example, insufficient strapping of large loads, overloaded vehicles, older heavy vehicles not in a fit condition to use and so forth. The advice the Government has is that one of the key issues in the development of the minimum safety standards and the development of a proper, workable scheme—which on my understanding is not a full registration scheme; that would indeed defeat the point of it—is getting insurers on board. Insurers by and large are not on board at the moment. I would suggest to the House that one could not further promulgate a scheme like this on a permanent basis when the Government is not in a position to set the

minimum safety standards and insurers are not on board. I imagine many people using the scheme would want insurance and insurance will provide protection for them.

In circumstances where the trial has demonstrated the existence of a range of serious safety risks—again, not a criticism of people at all—I pose the question of how we could proceed to make this a permanent scheme in circumstances where the insurance industry is not on board and the expert advice of the public service is that minimum safety standards are not yet able to be promulgated. How can we responsibly proceed? We are not saying that this should not at any point become a permanent scheme. We are saying that a further trial is necessary with the intention and the hope of making it permanent, and out of that will come minimum safety standards. It will also get the insurance industry on board. The insurance industry has to be on board, I would suggest.

**The Hon. WES FANG (17:58):** The previous speaker has belled the cat when he spoke about the advice from the public service and needing to satisfy the public servants. What this issue needs is a little bit of country know-how and a little bit of common sense. This is a simple risk-benefit analysis. We have a vehicle that is fitted out for firefighting and there is a fire. The question is whether we leave that vehicle where it is because it is not registered or we give it a temporary conditional registration in order to move it to where there is a fire and put the fire out. The previous speaker posed the question, "How do we get insurance companies on board? They will be risk-averse." That is another risk-averse public service answer to the problem, where we should be applying a bit of common sense instead. Ultimately, if a fire goes unchecked, it is probably going to do more damage than any risk that might occur when someone moves a vehicle less than 100 kilometres in order to put that fire out. I think that the risk-benefit analysis should always fall on the side of "Let's get this done".

I note that NSW Farmers are in the "Let's get this done" column. The Government keeps saying that it loves NSW Farmers and that it listens to NSW Farmers. It was interesting that the Minister for Roads represented the Government in debate on this motion, and not the Minister for Regional New South Wales. Here she is! As Lazarus rises, the Minister for Regional New South Wales just entered the Chamber. Perhaps she can explain to the Minister for Roads why it is so important that we implement this regime. He is the Roads bureaucrat mouthpiece at the table, telling us all the things that we cannot do. I hope the Minister for Regional New South Wales will say, "You know what? Common sense tells us that if we have a truck that can put out a fire, but it is not registered, let's get it to the place where there is a fire so that we can put it out."

I am hoping for some common sense from the Minister and her department, because we are clearly not getting that from the Minister for Roads. I do not think that we need another trial. God knows this Government has trialled us out. It has trialled everything. It has reviewed everything. This just needs to be done. It is common sense. We have had a trial. We need to have conditional registration for vehicles that are able to provide support in cases of emergency. It is pretty simple. It is a bit of country common sense that does not seem to be applied by this Government. I hope the Minister for Regional New South Wales will overrule the Minister for Roads and draw some sense out of the Government.

**The Hon. SCOTT BARRETT (18:01):** In reply: I thank members for their contributions to the debate. My wrap-up may not be in order, but I will address a few things that came up. I thank the Minister for Roads, who spoke glowingly of the motion and the program. The common theme is that everyone agrees this is a good idea; it is just a question of timing. The Minister's amendment could be supported if he said the trial would start tomorrow. If the trial is to start next year, I am unclear as to whether that means next fire season, which is 12 months away, or next calendar year. Either option is inappropriate. Twelve months is too long to wait. The calendar year is also highly inappropriate because the trial would finish on 1 January. That means that what was okay on 31 December is suddenly inappropriate on 1 January. I urge whoever is in control to make sure that is not the case.

I thank Ms Sue Higginson for her contribution. I will address one comment. The self-declaration she mentioned as not working is one that the member herself suggested she was using with conditional registration for farm vehicles. To say that the system does not work also casts a shadow on the farm vehicle registration, which does work. Some of the concerns raised by the Hon. Stephen Lawrence could be addressed by adding an extra check of the photos that could go along with the applications. I am concerned by the possible second trial. I would not be surprised if participation in that trial was lower than in the first. If I was a farmer who took part in the first trial, I would rightfully question the need for a second trial.

The Minister made a comment about the importance of ease of registration, and I strongly concur with that. I would be happy to support the Minister's amendment if it included a time frame for the trial to say that it will start now. There is no reason to delay. We have had eight or nine months since the completion of the last trial. It feels like nothing has been done with that trial in that time. I do not see why a concerted effort could not be made to look at the results of that trial. If the Government wants to put a new trial in place, that is fine, but it should start now. I hope people with more knowledge than I have will look into the liability questions. Perhaps the good Samaritan provisions in the Civil Liabilities Act will come into play. But this regime should already be in place.



The longer we wait for it to be implemented, the more country will be burnt. That is far from an ideal scenario. Again, I thank members for their contributions.

**The PRESIDENT:** The Hon. Scott Barrett has moved a motion, to which the Hon. John Graham has moved an amendment. The question is that the amendment be agreed to.

**The House divided.**

Ayes .....18  
Noes .....16  
Majority.....2

**AYES**

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

**NOES**

Banasiak	MacDonald	Munro
Barrett	Maclaren-Jones	Rath (teller)
Carter	Martin	Roberts
Fang (teller)	Merton	Ruddick
Faraway	Mitchell	Ward
Latham		

**PAIRS**

Houssos	Farlow
Sharpe	Tudehope

**Amendment agreed to.**

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

**Motion as amended agreed to.**

**NATIVE FOREST LOGGING AND NATIVE SPECIES**

**The Hon. JEREMY BUCKINGHAM (18:12):** I move:

- (1) That this House notes that:
  - (a) Forestry Corporation of NSW has a record of failure to comply with integrated forestry operations approvals;
  - (b) in July 2024 it was fined \$360,000 for breaching logging rules designed to protect native forests devastated in the Black Summer fires;
  - (c) several more criminal prosecutions are underway, and 18 further potential breaches are being investigated;
  - (d) as Forestry Corporation of NSW is a publicly funded entity, the fines are in effect being paid by the citizens of New South Wales; and
  - (e) on 22 June 2023 the NSW Audit Office released a report critical of processes and assessments, finding Forestry Corporation of NSW inconsistently monitors its contractors and does not target its monitoring activities on a risk basis.
- (2) That this House further notes that:
  - (a) even when Forestry Corporation of NSW complies with integrated forestry operations approvals, the approvals do not go far enough to protect endangered species such as the koala, the greater glider and the coastal emu;
  - (b) as of May 2024, Forestry Corporation of NSW is to implement a 25-metre logging exclusion zone around any tree in which a greater glider is sighted during search and survey; and
  - (c) if an endangered coastal emu nest is found, the requirement is a 100-metre-radius exclusion zone around the nest in the New South Wales North Coast Bioregion and Port Stephens local government area.
- (3) That this House notes that the coastal emu (*Dromaius novaehollandiae*), also known as the New South Wales North Coast emu:

- (a) is one of the last remaining Australian megafaunal species;
  - (b) is evolved genetically different from Australia's common emu because of geographic barriers like the Great Dividing Range;
  - (c) has been classified as endangered by the New South Wales Government since 2002;
  - (d) have fewer than 50 remaining; and
  - (e) is very important in the dispersal and the regeneration of native species and the health of forests and one emu scat can contain 1,000 seeds and emus move seeds distances of up to 50 kilometres.
- (4) That this House further notes that:
- (a) recently near Grafton a coastal emu nest with eggs was found by Forestry Corporation prior to logging;
  - (b) a 100-metre buffer zone as required under the coastal integrated forestry operations was created around the nest while logging continued away from the site;
  - (c) after a public outcry, and more than a week after a clutch of the world's rarest bird eggs had been discovered, logging operations ceased around the now empty nest;
  - (d) the New South Wales Department of Planning and Environment has been turning its attention to the coastal emu through the Save our Species program; and
  - (e) one of the most obvious ways to save our species is for native forest logging to stop.
- (5) That this House notes that the value derived from native forest logging is not worth the loss of biodiversity and habitat for wildlife, and logging cannot continue in public native forests without pushing the koala, greater glider, coastal emu and many more forest-dependent wildlife further towards extinction.
- (6) That this House calls on the Government:
- (a) to immediately stop native forest logging within the Great Koala National Park assessment area; and
  - (b) end native forest logging and move to plantation based timber.

I move this motion with some lament. It is disappointing that, at this stage of this Government, we still do not have the Great Koala National Park gazetted, operating and protected, and that an end to native forest logging in this State is still not underway, planned and foreseeable. I acknowledge work is underway planning the Great Koala National Park and the Forestry Industry Action Plan, and that the Independent Forestry Panel is operating. But right now, 150 threatened species are being unnecessarily harmed, destroyed and killed.

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

**The Hon. JEREMY BUCKINGHAM:** I note the interjection from the Hon. Wes Fang when I said threatened native species were being harmed. That is just despotic stupidity of unfathomable magnitude from the member. The Great Koala National Park must be gazetted, and native forest logging must end in this State—and it must happen now. Anyone who is a patriot knows that our coat of arms has the emu on it. The coastal emu, *Dromaius novaehollandiae*, also known as the New South Wales North Coast emu, is globally and universally genetically unique. The coastal emu has been classified as critically endangered by the New South Wales Government since 2002, and there are estimated to be fewer than 50 remaining. The coastal emu is very important to the dispersal and regeneration of native species and the health of forests. One emu scat can contain 1,000 seeds, and emus move seeds distances of up to 50 kilometres.

Recently a coastal emu nest was found in Grafton by Forestry Corporation prior to logging. Logging should have stopped as soon as eggs from the endangered emu were discovered, but it did not. Instead, a pathetic 100-metre buffer zone, as required under the Coastal Integrated Forestry Operations Approvals, was created around the nest while logging continued away from the site. After public outcry and more than a week after a clutch of the world's rarest bird eggs had been discovered, logging operations ceased around the now empty nest of the world's rarest bird.

**The Hon. Wes Fang:** The world's rarest bird!

**The Hon. JEREMY BUCKINGHAM:** You're a rare bird, and it's a rare bird. If you don't know that, then you're a bird brain.

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

**The Hon. JEREMY BUCKINGHAM:** One of the most obvious ways to save our species is for native forest logging to stop. The value derived from this destruction is not worth the loss of biodiversity and habitat for wildlife. Forestry Corporation is a State owned corporation mismanaging our State forests. This taxpayer-owned logging business has received \$246.9 million worth of grants since 2019-20, while the hardwood division, which is responsible for native forest logging, has made a loss of \$28.2 million over the same period. As at June 2023 Forestry Corporation employed 612 staff, with 367 office-based roles and 245 field-based roles. Those jobs could

be protected without native forest logging by continuing plantation logging and pursuing rural enterprises such as industrial hemp and medical cannabis.

In July 2024 Forestry Corporation was fined \$360,000 for breaching conditions imposed by the NSW Environment Protection Authority to help the recovery of the Yambulla State Forest near Eden. In 2023 it was again fined \$45,000 after two separate incidents of ignoring rules in the Nadgee State Forest on the far South Coast and Bagawa State Forest. In the five years prior to 2021, the sentencing court noted that 24 official cautions and 13 penalty notices had been issued to Forestry Corporation by the Environment Protection Authority. It is out of control, and it is mismanaging the forests. We need to listen to the forestry campaigners who are campaigning to save the Bulga State Forest and declare the Great Koala National Park. They include people like Susie Russell, who says, "Every hour those machines don't work is 50 trees saved." Russell said, "Our community will throw itself at the machines for as long as we can." They will do that, and they will win; it is not a matter of if, but when. Now is the time to end native forest logging, to save our iconic threatened species and to look for a future beyond this destructive, unnecessary industry.

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (18:17):** I speak to this motion on behalf of the Government. The Government would have preferred to be able to amend the motion to make it a little more reasonable. Unfortunately, that has not been the case. I respect that is the situation but, on that basis, the Government does not support the motion. Again, I put on record that the Government made an election commitment to deliver a Great Koala National Park around Coffs Harbour, and it is absolutely doing that. The work is well underway for the creation of that park. This motion is attempting to pre-empt that work.

Again, I respect the very passionately held views on this issue, but the motion is attempting to pre-empt a very comprehensive piece of work that is being done to take into account environmental, economic, social, ecological and cultural issues. I also reiterate the Government's commitment to the continuation of a sustainable timber industry well into the future. The Government is doing the work to deliver that park, and it is doing the comprehensive assessment. People referred to in the motion are a part of that process, and the Government will continue to do that comprehensive work because that is what a responsible government does.

The motion also includes comments on the application and adequacy of native forest regulations. I remind members of the high standards of compliance that Forestry Corporation must adhere to. The Coastal Integrated Forestry Operations Approval [CIFOA], which is referred to in the motion, was developed in collaboration with panels of industry experts. One of the requirements of the CIFOA is that broad habitat searches must be carried out before operations to identify and protect environmental features such as drainage lines; threatened plants; trees to be retained; steep slopes; habitat features; threatened ecological communities, like raptor nests and bat roosts or caves; and evidence of records of threatened species.

During one of these routine searches, Forestry Corporation discovered a nest containing coastal emu eggs in a State forest. Forestry Corporation acted swiftly to put a 100-metre exclusion zone around the nest and proactively engaged with the Saving our Species program, which sits in the environment department. The advice that I have received is that the environment department then dealt with the eggs. It removed some of them and transferred them to an incubator, and the remaining eggs were left with one of the emus. The protections that are in place worked when Forestry Corporation found these eggs. It has to follow the rules.

**Ms SUE HIGGINSON (18:20):** The Greens absolutely support the motion of the Hon. Jeremy Buckingham. I am so glad that there is another member standing up in this Chamber and speaking the obvious truth to the power of this place by stating that it is not a matter of if we end native forest logging; it is a matter of when we end native forest logging. I have stood in this place so many times and provided an evidence-based case as to why we must do it, because logging is contributing enormously to the climate crisis. It emits 3.6 million tonnes of carbon every single year. Logging makes our forests more susceptible to more intense and more frequent wildfires, which puts communities at risk, threatens mass extinction events and belches more dangerous carbon into the atmosphere.

Logging is driving some of our most precious, unique, iconic and globally significant wildlife to extinction, including greater gliders, yellow-bellied gliders and glossy black-cockatoos. They are literally hanging on in the lowest imaginable numbers, and some will not survive another cutting cycle. Many people do not realise that when loggers log, animals die. I know, because I have seen it and smelt it. It is what happens. Logging is costing the taxpayers of New South Wales millions of dollars every year in actual losses, and that is not counting the environmental and carbon costs. Logging damages our waterways and puts water catchments at risk. As the Hon. Jeremy Buckingham said, the Forestry Corporation is pretty much a criminal enterprise. I do not say that lightly. It has been convicted in court on 14 occasions and has been fined hundreds of thousands of dollars over many years. None of this has stopped its offending.

It has committed offences of vandalism on an epic level. The court has found that this operation has no prospects of rehabilitation and that it will continue to offend. I ask Deputy President Roberts what else makes a criminal enterprise. Is it someone who keeps offending with no prospect of rehabilitation and, when they do plead guilty, denies it and seeks to minimise the harm they have caused? It is time that the Minister and the Government wake up and see the writing on the wall. They must stop covering it up with these ridiculous explanations, like that the Coastal Integrated Forestry Operations Approval is sound, is savvy and protects threatened species. That is a lie that was developed in the 1990s. Even Labor's Bob Debus has said it is a redundant system.

**The Hon. WES FANG (18:23):** The Hon. Jeremy Buckingham lost all credibility when he tried to tell us that the emu is the world's rarest bird. What often happens in debate is that the truth gets stretched and massaged to try to fit a narrative. That was clear in his contribution. The usual sledge would be "What is he smoking?" In the case of this member, however, we already know.

**The Hon. Jeremy Buckingham:** Point of order: I have listened to the member even though it pains me. He is casting aspersions on my good character. He is not dealing with the motion before the House. If the member wants to reflect upon my character, my behaviour and my actions, then he should do so by way of substantive motion. I ask that you ask the member to desist.

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** For the harmony of the Chamber, I ask that the Hon. Wes Fang withdraw his comment and apologise.

**The Hon. WES FANG:** I am happy to withdraw my comment for the harmony of the Chamber. I note that the member did call me bird brain, but I have been called worse this week. Forestry activity would normally open up more land. When the member tries to paint a picture of what forestry is, he looks at great swathes of land that are cleared, but we know that selective logging by Forestry Corporation looks nothing like that. Why is the member so opposed to native forest logging? The Deputy President, the Hon. Rod Roberts, is a former police officer. A couple of weeks ago I saw a photo of you in short shorts with a head of hair in the '80s, when you were working up in the north. I imagine you were up there on drug patrol. Mr Deputy President, where do people hide cannabis crops? They hide them in the forest. If the forests go, then the opportunity for drug crops go. I think we know the motivation of the member who moved this motion.

Ms Sue Higginson asked what a criminal enterprise is. I suggest that cannabis crops would likely be a criminal enterprise. We now know why the member is potentially trying to move a motion to stop logging if we put those two things together. In his mind, we are clearing fields, which would potentially open up the ability for people to see the drug crops that he might be advocating for. Ultimately, we are talking about selective logging by Forestry Corporation. It is done in a way that is sustainable and that acknowledges the environment. It is done in a way that protects jobs and the economy of New South Wales. Although it pains me to agree with the Minister for Regional New South Wales, and even though she did not back me on a previous motion, the Opposition will support the Government and oppose this motion.

**The Hon. EMILY SUVAAL (18:27):** I oppose the motion moved by the Hon. Jeremy Buckingham. As the duty MLC for the wonderful electorate of Myall Lakes on the Mid North Coast, I acknowledge some workers who wrote to me in the past week. They are from Newells Creek Sawmilling in Markwell, Ironwood Taree and S. A. Relf and Sons in Bulahdelah. These timber workers love their jobs. With the indulgence of the House, I seek to include some of their remarks in this debate and in *Hansard*, because it is an important perspective that we need to capture when considering motions like this. They write:

Dear Emily Suvaal, we are the employees at Ironwood in Taree. We need your support. We provide the timber that builds government infrastructure, including bridges, wharves and jetties and railways. This is not only for our local council or State infrastructure. We supply for interstate government projects too. If you don't help us, it will directly affect the people you represent in your community as well as across the State and the country. Signed, the Ironwood crew.

P.S. We even donated a truckload of timber to the local community preschool and they have built a playground.

Those are the people who work in these industries. I greatly admire and respect the Hon. Jeremy Buckingham, but motions like this call for an end to the industries that these people work in. It pains me that we do not talk more about the people who work in these jobs and in the communities that we represent.

Our Government made an election commitment for a Great Koala National Park; that is no secret. We also made a commitment to a sustainable timber industry, and I will not apologise for continuing to advocate in this place for the workers in those industries in the communities I represent, like Taree, Bulahdelah and Grafton in my other duty electorate of Clarence. They are hardworking people, as are the workers in the Forestry Corporation, who are continually demonised by motions like this. I commend my previously stated opposition to the House.

**The Hon. JEREMY BUCKINGHAM (18:31):** In reply: I thank the Hon. Emily Suvaal for her contribution. I want to see a sustainable timber industry. I was a sawmiller. My family ran a sawmill in Tasmania.

That industry is a dead end in terms of relying on native forest logs. We need to move to plantation timber. That is the argument. We are not saying no to the timber industry—just no to native forestry, to destroying the potential for a tourism industry on the North Coast and to missing the opportunity to move to industrial hemp and medicinal cannabis. With three medicinal cannabis facilities on the North Coast, we would employ more people than the forestry sector. In terms of the contribution of the Hon. Wes Fang, I have never heard a more stupid, inane and juvenile member make a more stupid, inane or juvenile contribution in this House.

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

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** The Clerk will stop the clock.

**The Hon. Wes Fang:** I am loath to do this but given that the member took a similar point of order and it was upheld, I ask that the member's contribution be considered offensive and that he withdraw it. If the member wants to make such a contribution, he should do so by way of substantive motion.

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** I make one observation, and then I will make a ruling. The observation is that there has been a lot of verbal jousting in the Chamber during debate on this motion. The Hon. Jeremy Buckingham will refrain from making any further reflections on the member.

**The Hon. JEREMY BUCKINGHAM:** Thank you, Mr Deputy President, for your erudite ruling. In terms of the Minister's contribution, the Forestry Corporation, by any standard, has not been a good corporate citizen, financially or socially. I concur with the excellent contribution of Ms Sue Higginson, which outlined how horrendous it has been, repeatedly, in its actions in this State. I thank her for her continued advocacy, over decades, for our biodiversity, wildlife and forests. Forestry Corporation always runs the same lines. It is not what it says; it is what it does. It is targeting the koala hubs, the habitat of the greater gliders and those areas where threatened species are.

How do we know? Because good citizens are doing the science. They are great citizens, who protected our wild rivers, coral reefs and whales. Next, they will be protecting our forests. The National Party, who resisted those moves all the way, with a long line of failed policies, will be cast to the dustbin of the "chop it down, rip it up, export it" fools that they are. Native forest logging is a dead end. I call on the State Government to move quickly, gazette the full Great Koala National Park and set up a plan for those forestry workers to move into truly sustainable timber industries based on plantation, hemp, medicinal cannabis and tourism—because those are the jobs of the future—while we protect our biodiversity.

**The PRESIDENT:** I welcome to the public gallery Mr Dailan Pugh, a man I have known for many years, who is a passionate advocate for these issues. Thank you for being here.

The question is that the motion be agreed to.

**The House divided.**

Ayes .....6  
Noes .....25  
Majority.....19

#### AYES

Boyd  
Buckingham (teller)

Cohn  
Faehrmann

Higginson  
Hurst (teller)

#### NOES

Banasiak  
Barrett  
Buttigieg  
D'Adam  
Donnelly  
Fang  
Farlow  
Graham  
Jackson

Kaine  
Latham  
Lawrence  
MacDonald  
Maclaren-Jones  
Merton  
Mookhey  
Moriarty

Munro  
Murphy  
Nanva (teller)  
Primrose  
Rath (teller)  
Roberts  
Suvaal  
Ward

**Motion negatived.**

**The PRESIDENT:** I shall now leave the chair. The House will resume at 8.00 p.m.

*Documents***CUSTOMER SENTIMENT SURVEYS****Production of Documents: Order**

**The Hon. NATALIE WARD (20:03):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution all presentations or briefings created since 1 June 2023 in the possession, custody or control of the Premier, the Treasurer, the Minister for Customer Service and Digital Government, Minister for Emergency Services and Minister for Youth Justice, the Department of Customer Service, Service NSW, Treasury, the cabinet office, or the Premier's Department relating to customer sentiment surveys and Department of Customer Service customer insights, and any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This is a straightforward motion that I hoped the Government would support—although I understand it will not—because it is about where taxpayer dollars go. In the course of another Standing Order 52 call for papers, I uncovered polling and focus group work research that this Government had conducted into tolling and attitudes on tolling, which was intriguing. I do have to say that 1984 was a fantastic year, for those of us who remember it. In those documents, I saw that the Government had Allan Fels doing his review, Treasury doing its analysis and the Department of Customer Service doing the polling.

I did wonder if the Department of Customer Service conducted a poll on Allan Fels' stay at the \$800-a-night Capella on the taxpayer's dime, but I leave it to the Minister for Roads to answer that. What I found interesting was polling the taxpayer on reform while conducting public hearings on the same issue. I should say that the former Government, of which I was privileged to be a part, did something similar in regard to community sentiment, so far be it from me to cry foul. It is the case, however, that if it is good for the goose, it is good for the gander. If the Mookhey library needs a new addition, I believe the reports should be made public.

If the Government is using taxpayer funds in a 1984 Big Brother-esque way to poll its citizens on reforms, and it wants to turn Sydney—for those who have read George Orwell's fantastic work—into Airstrip One and Customer Service is to be renamed the Ministry of Truth, then the brotherhood of the Opposition and the crossbench should support this motion. Because I believe the public, through this House, deserves to know what is happening. This is not a surveillance society. I see no reason publicly funded government polling should not be public. Hopefully we do not find polling on what tie the Premier should wear or what colour glasses the Treasurer should wear on budget day or—potentially—thoughts on changing Rosehill racecourse. But, if we do, at least we will know what the public think.

I hope there are no national security secrets or reports going into Cabinet submissions and it is just focus group research by government for the Government's objectives. So let us see what it is asking and what the people have to say. It could be very good stuff. It will likely improve the quality of debate in Parliament and in this House. If the Government howls and crows, this is not a Winston Smith of trying to rewrite the historical record of this Government's ever-changing version of history. The Mookhey library and the Graham reading room have their names for a reason: the public interest. While I hope they will be back there very soon, the fact is that this is the public's House of review, not a Room 101 for the Government's objectives.

This order for papers should be supported, as this House's role, as we well know, is to seek information and hold the Executive to account. I make clear what we are after and ask the agencies to respond accordingly. We are after the reports and the data that accompany the work. We are not interested in any emails about organising them. We are not interested in meeting groups or in organising around analysing the results. We just want the output of what taxpayer money has been spent on: the reports and the data that are held by the relevant agencies and elected officials covered in the order. The research has been done and the data is there. We would like to see what the taxpayer has paid for.

I also ask that the Secretary of the Department of Customer Service respond to the order for papers in writing regarding the dates the works occurred—I understand it is every two weeks—and that every report is included in the return. Should this motion pass—and I seek members' support for it—as is the usual course, I am available to further discuss what we are seeking with the entities captured in it. This should not be a difficult or lengthy return. It will not create a new room in the Mookhey library or the Graham reading room. It will, however, provide to taxpayers, to this House and to members the opportunity to see what wonderful work is being done by the Department of Customer Service and customer sentiment. I commend the motion 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) (20:08):** While the Government does not support this call for papers, I inform the House that it does support the member's Government Information (Public Access) Act [GIPAA] application, which calls for similar papers. The member's office has submitted a GIPAA application calling for these exact papers. That is the process that would normally

be followed. In fact, the Chamber has debated those processes extensively. One of the things that some members have argued is we should follow those steps. Of course, if the GIPAA application is not dealt with appropriately—sometimes, both in government and in opposition, I have seen that happen with agencies—then the member would be right to move the motion in this Chamber. But, while the GIPAA process is on foot, the Government will not be supporting this call for papers.

Secondly, I thank the member for spelling out some of the additional details. It is helpful to clarify precisely what is being looked for, including those dates. I also thank her for the offer of further discussions. Those matters are always helpful. I encourage the agencies to look closely at that guidance and to take up those offers if it is helpful. As I understand it, the longstanding customer sentiment surveys have been in place across multiple governments. I am advised that we have not made particular changes to the process, so I place that on record for members.

As to any issues about tolling, as the member was restarting the tolling debate earlier, I was looking for my copy of the transcript but could not find it—possibly because I tabled it earlier. So I cannot respond, but I assure the member that the Government's direction on tolling has been shaped by getting out and talking to motorists. That has had the biggest impact on the Government's direction. With those comments, the Government will not support the motion, although I encourage agencies to take very seriously the GIPAA request that is already on foot. They should deal with that appropriately.

**The Hon. CHRIS RATH (20:10):** What an excellent motion brought forward by the Hon. Natalie Ward. I remember when I was at school that when someone's work was very good, the teacher would say, "Why don't you share it with the class?" The important information being sought is currently held in the hands of so few and the motion is saying, "Share it with the class". Share it with the members of this House and with the public. We would like to have access to those customer insights, just as the Government does.

Opposition members think that it would make for a more invaluable experience if the information was in a broader set of hands, not just the handful of people who have access to it the moment. I do not think it is unreasonable to say that the government of the day should provide that information or that it should be done within 21 days. It is not an unreasonable request because it is very similar to so many requests put forward by Government members when they were in opposition not too long ago. If the principles of accountability and transparency were so good in 2022 and 2021 and throughout the last term of Parliament, when members opposite were in opposition, why are they not also good principles that this Parliament, this House and this Government should live by today?

We could get some really invaluable insights, as I said before. I worked in the insurance industry for seven years, and some of that sort of information helped us do our jobs better. If Opposition members knew what customers were thinking about a range of different services that government provides, then having that data would enable us either to assist the Government with developing policy and legislation or to hold the Government to account. That is exactly why the Standing Order 52 provision exists and why we have oppositions. Oppositions are so important because parliaments exist not just to legislate but also to ensure transparency and accountability by holding the government of the day to account. Any democracy in the world would be forever poorer if it did not have accountability mechanisms like Standing Order 52. Well done to the Hon. Natalie Ward for bringing the motion forward.

**The Hon. NATALIE WARD (20:14):** In reply: It is interesting, surprising and disappointing that the Government has taken the position of opposing a Standing Order 52 motion, particularly in circumstances where the Opposition has been very clear about and confined in what it is looking for. This is not another Mookhey room; it is a very confined issue that the taxpayers are spending their very hard-earned money on. It would make for fantastic reading about customer sentiment. Everyone wants to know what people are thinking, and we would love to see the results of that fine work by the Department of Customer Service and those it has outsourced its work to. In reply to the Minister's comment about the Government Information (Public Access) Act [GIPAA] application, that was not made by my office. These are entirely separate inquiries.

Obviously this is a very topical issue that people are interested in, but they are quite separate mechanisms, as the Minister well knows. It is in the public interest to call for papers under Standing Order 52 in this place with the great tradition that we have, first, because they are free and so they come at no cost to the public, who are interested in those documents; and, secondly, because they are entirely separate processes. One process does not surpass, supplant or replace the other. It is important that the rules of this House be respected and encouraged, which is why the Standing Order 52 process is in place. The Minister and Government are well familiar with that process. I cannot understand the difficulty or resistance to the motion.

It is interesting that Government members would make such a quick turnaround and say to the people of New South Wales that they do not welcome with open arms this upper House Standing Order 52 inquiry into a relatively straightforward issue. Nonetheless, I make clear that a GIPAA application does not replace a Standing

Order 52 call for papers. The House should be very resistant to any suggestion that a GIPAA application would in any way be a sufficient replacement. I thank the Hon. Chris Rath, who made the point eloquently, as he always does, that what is good for the goose is good for the gander. Sharing homework is very good, provided one has done it by oneself and without copying.

**The Hon. John Graham:** Don't copy!

**The Hon. NATALIE WARD:** Don't copy! We have a job to do; we are doing that job. I would have thought that the Government would welcome the motion. I encourage members to consider the role of the House to hold the Government to account. But also, where good work has been done, we should share that work. When great work has been done by the Government—for which it should be proud—members of the House, as representatives of the people of New South Wales, should know about that great work. We should be encouraging open, transparent and accountable government by providing those documents. I commend the motion to the House.

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

**Motion agreed to.**

### *Bills*

## **LOCAL GOVERNMENT AMENDMENT (PECUNIARY INTERESTS) BILL 2024**

### **Second Reading Debate**

**Debate resumed from 25 September 2024.**

**Dr AMANDA COHN (20:17):** As The Greens spokesperson for local government, I indicate that The Greens will be supporting the Local Government Amendment (Pecuniary Interests) Bill 2024 on the proviso that the amendment that has been lodged and circulated by the mover is passed this evening. Local government, as the most important level of government, needs transparency and accountability standards so that communities can trust in their local council and be assured that decisions are being made in the best interests of local residents and not for vested interests. The Greens have concerns regarding the bill as initially drafted, which may have the unintended consequence of overriding the current provisions that exempt remote or insignificant interests unlikely to affect decision-making.

The bill, as likely amended, explicitly requires the Model Code of Conduct for Local Councils in NSW to include provisions for the disclosure of pecuniary interest in real overseas property. This issue was examined by the State Development Committee's inquiry into allegations of impropriety against agents of the City of Canterbury Bankstown Council that found failures to disclose some financial interests. The inquiry recommended a review of guidelines for expenses and facilities for mayors and councillors to ensure that they align with community expectations, and an update of the model code of conduct to include the obligation to disclose overseas and interstate property interests. The Government accepted the inquiry's recommendations and tasked the Office of Local Government with reviewing and updating the relevant guidelines and model policies. In its response to the inquiry, the Government said:

The Office of Local Government will review and update the Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in New South Wales in consultation with the local government sector; and review and update the appropriate model policies governing conduct and interests declaration to ensure that the obligation to disclose pecuniary interests extends to overseas property interests. Council officials are already required to disclose interstate property interests in their returns of interest.

The member introducing the bill has cited the Government's slow response in implementing this. Last month the Government updated the House that:

The Government is aware of the recommendations of the Parliamentary inquiry relating to the disclosure of overseas property interests and has included proposals to address the issue in the discussion paper on councillor conduct reforms, along with other changes to the Councillor Conduct Framework.

I understand that consultation is now open, and that it closes at the end of this week. The Greens support the review of the Councillor Conduct Framework that is currently underway, which intends to and should address a significant number of other issues, but that is no reason to oppose the simple change being proposed today from being implemented in the meantime. The passage of this bill would ensure that, regardless of the other outcomes of the review or its time frame, this additional disclosure will be required in the resulting model code. That is a helpful certainty, both for the community and for councillors, including the class of 2024 elected in September.

The bill does not address a number of additional issues that are worth considering. Many councils allow the addresses of properties owned by councillors to be redacted on the grounds of privacy. That is reasonable for a councillor's private residence, but it should not extend to investment properties. I note the good work of former



City of Parramatta councillor Phil Bradley in drawing attention to this issue. I look forward to further discussion regarding the proposed reforms and consultation findings of the Councillor Conduct Framework discussion paper. I share Local Government NSW's cautious optimism that the reviewed framework can provide councils with clearer expectations, streamlined and safeguarded complaints handling, and fairer sanctions. That and so much more is needed for this important sector.

**The Hon. AILEEN MacDONALD (20:21):** I speak in support of the Local Government Amendment (Pecuniary Interests) Bill 2024. The bill aims to close loopholes surrounding pecuniary interests, be they local, within New South Wales, within Australia, or overseas. I speak with a level of authority on this matter as the former chair of the Standing Committee on State Development, which investigated specific allegations of impropriety against agents of the City of Canterbury Bankstown Council. The findings of the inquiry were clear and troubling. We discovered that some councillors were able to exploit gaps in the current system and were failing to disclose significant financial interests that could easily influence their decisions.

It is a no-brainer that local councillors, who are entrusted with decisions that shape our communities, should be required to fully disclose those interests, particularly those held interstate or overseas. Take the example of former Canterbury Bankstown mayor Khal Asfour, who failed to disclose property interests in Melbourne and the Philippines, citing the lack of a requirement to report overseas interests. He was also found to have used ratepayers' money to pay for Armani, Hugo Boss and Zegna suits, spa treatments while on a trip to Tokyo, and his Master of Business Administration degree. That is unacceptable.

As we found in the inquiry, that fell outside community expectations. In other words, it did not pass the pub test. Those kinds of omissions shake public confidence in local government and undermine the trust ratepayers place in their elected officials. In the chair's foreword in the committee report, I wrote:

Evidence to the inquiry also uncovered that property developers may be using shell companies to obfuscate their political donations to candidates for local government elections in order to sidestep the ban on political donations from property developers.

In plain English, it is shonky. The loopholes that allow such significant conflicts of interest to go undeclared must be closed—and this bill does exactly that. I support the bill because the proposed changes will ensure that all pecuniary interests, no matter where they are located, must be disclosed. This is not just a technical fix; this is about ensuring transparency and rebuilding integrity and trust in local government. We need to know that council decisions are being made in the public interest, rather than personal gain.

The inquiry found that the current Model Code of Conduct for local councils is insufficient. Surely, it is obvious that overseas interests are not somehow too remote to matter. Geography does not limit conflicts of interest. Clearly, the influence of property developers, financial interests and external pressures can and does reach across borders, and we need laws that reflect that it is just not on. By passing this bill, we ensure that councillors are held to the high standard of transparency and accountability the public rightly expects. The inclusion of all pecuniary interests, be they local or global, will prevent the kinds of ethical breaches we uncovered in the inquiry. I urge the House to support this bill to restore integrity and trust in the local government system.

**The Hon. TANIA MIHAILUK (20:24):** In reply: I thank the Hon. Tara Moriarty, the Hon. Natasha Maclaren-Jones, Dr Amanda Cohn and the Hon. Aileen MacDonald for their contributions to debate on the Local Government Amendment (Pecuniary Interests) Bill 2024. I will be moving an amendment that cleans up the bill. I acknowledge the Hon. Ron Hoenig's staff, who provided me with a briefing note of some of the Government's concerns with the bill. I appreciate that the Government is not opposed to the bill as such but has found some legal issues that may be a concern for the broader Model Code of Conduct issue we are trying to deal with here. I thank Dr Amanda Cohn and her office for their assistance in providing me with some advice on how to better present this bit of legislation. I thank the Coalition for its full support of the bill, particularly through the Hon. Natasha Maclaren-Jones, for supporting me in this and for its work in the inquiry.

The Hon. Aileen MacDonald was the Chair of the Standing Committee on State Development's inquiry into allegations of impropriety against agents of the City of Canterbury Bankstown Council. It started in 2022 and finalised its report in February 2023. I acknowledge the work that the Hon. Aileen MacDonald and the original standing committee did, because it was a difficult inquiry to undertake. It was clear that Councillor Khal Asfour, then the Mayor of Canterbury Bankstown, who came with two lawyers to the hearing, was reluctant to provide certain information to the standing committee.

His response about not declaring his properties in the Philippines and his property in Melbourne was concerning for the committee, which is why it recommended that the Government ensure that the Model Code of Conduct be amended to deal with this particular loophole. The Government came back in June and made clear that council officers are obliged already to declare in their returns any interstate properties. In this case, Councillor Asfour hid behind his self-managed superannuation fund, suggesting that the fund, rather than him, owned the property, even though he and his wife were the sole directors of the fund.

The Government's response to the report was in June 2023, and we are now in November 2024. We have been more than patient, and I have been waiting for a long time for the Government to come forward with its amendments. I appreciate that it has now come out with a consultation paper and is seeking suggestions or advice or consultation amongst the respective councils. But, in the meantime, a council election was held less than eight weeks ago. This particular inquiry showcased the type of abuse that can happen from councillors and councils when they are left to manage their own affairs. As the Hon. Aileen MacDonald quite rightly said, there were many expenses that really outraged the broader community. People in New South Wales often speak about what transpired at Canterbury-Bankstown council, but we have to take any opportunity to send a message to all councillors and, indeed, all public officials on the need to declare their properties, to be transparent and to not argue that it is geographically such a long distance away.

I think that part of his argument was "What has an overseas property got to do with Canterbury-Bankstown council?" Looking more closely at how he got those properties in the Philippines, there are people in Bankstown associated with Councillor Khal Asfour who would have directed him to buy properties there or who certainly supported him in buying those properties. He did not find a couple of properties in the Philippines by accident. There are people I am aware of who are associated with development in Bankstown who also own properties in that particular complex and whose companies are involved in properties in the Philippines. So to me it is not a surprise that he did not want to declare it.

I foreshadow that I will move an amendment that should be agreeable. I do not want to make this hard for the Government. I do not blame the Minister or anyone in the department for what has transpired at Canterbury-Bankstown council, but it is important that every loophole is closed. It is important, not just for the ratepayers in that particular council but across councils in general, that people can be confident that their councillors and chief officials are following the Model Code of Conduct and are declaring all of their properties so people can understand how and why they vote on matters the way they do.

I do not want to make life difficult if somebody has to vote on rates, for example. One issue the Government raised about voting on rates was whether every councillor has to declare a conflict because they own a property within their council and if they would therefore have to exclude themselves from a meeting. I had different advice on how my original bill would be interpreted, but I understand and appreciate the concerns that have been raised by some of my colleagues in this House. As a result of that, I foreshadow that I will move an amendment.

Nevertheless, it is a timely and important part of what we are trying to do in New South Wales, which is to really encourage that level of good governance. As someone who has been a councillor and a mayor, I say that there is more ability to have influence as a councillor and a mayor than as a member of Parliament. I appreciate that might be different for members of Cabinet, but for those of us who are members of Parliament, we are not going to be presiding over or voting on tenders. We do not preside over or vote on rezoning, for example. We do not make such significant decisions that can really make a difference. There are people who will have huge wins in a rezoning application, for example. There is such a huge difference in the level of influence a councillor has compared to that of a member of Parliament. For that reason, we need to be as strong and, to some extent, stronger with councillors and local government to remind them of their sense of duty and responsibility and how important it is to have a proper governance structure.

This Model Code of Conduct must be updated to reflect all of these properties. People would be surprised at how often councillors travel. They travel around the world. It will not surprise me to see a number of councillors across New South Wales councils making declarations once the bill is passed. It is important that ratepayers know what properties their councillors own and that they maybe do their own investigations into how councillors obtained those properties in the first place. I am not suggesting that there is any impropriety across our councils, but I can certainly say that the way this particular individual, Councillor Khal Asfour, obtained his property certainly warrants a closer look. I leave it at that.

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

**Motion agreed to.**

#### **In Committee**

**The CHAIR (The Hon. Rod Roberts):** There being no objection, the Committee will deal with the bill as a whole. I have one set of amendments, being Pauline Hanson's One Nation amendments Nos 1 and 2 on sheet c2024-188A.

**The Hon. TANIA MIHAILUK (20:34):** By leave: I move Pauline Hanson's One Nation amendments Nos 1 and 2 on sheet c2024-188A in globo:

No. 1      **Disclosure of pecuniary interests**

Page 3, Schedule 1[2]–[5], lines 5–16. Omit all words on the lines.

No. 2      **Disclosure of pecuniary interests**

Page 3, Schedule 1. Insert after line 16—

**[1A] Section 440AAA Content of model code**

Insert after section 440AAA(3)—

- (3A) The model code must contain provisions requiring disclosure of pecuniary interests comprising real property located outside of Australia.

I again thank all members who contributed to debate on the bill. Essentially, my interest in this issue has always been to make sure there are proper disclosures. These amendments will clean up the bill and make it much easier for the Minister and the department to ensure the change is made for model codes of conduct across New South Wales. The idea is to make it clear that councillors must make this declaration. Since the recent election, councillors will be in the process of making declarations and submitting returns. I imagine that since their initial meetings they would have submitted their initial returns. It is important that when this change is made, councillors do make further amendments should they need to.

As I said, transparency is key if we want good governance across the State. In my view, councillors and councils have equal if not more influence than members of Parliament. It is important that there is as much transparency around local government as possible. We expect that in time—and more and more in the future, I imagine—councils will deal with rezoning applications. They are dealing with tenders and major upgrades to infrastructure and so forth. There is always a need to declare different pecuniary interests. It is important that we encourage and support as much transparency as possible. As I mentioned earlier, this change has been a long time coming.

The standing committee submitted its final report in February 2023. The Government responded in a timely way—very quickly—in June 2023. It indicated that it would make this change. I have been a little bit frustrated by how long it has taken. I am not suggesting that it is the Minister's fault; it may be bureaucracy. I am not sure what caused the delay. Ultimately, it is very important that these amendments go through. I ask the Committee to support the amendments.

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (20:37):** I indicate that the Government will not oppose these amendments. The stated purpose of the original bill was to mandate the declaration by councillors of overseas property interests in their returns of interest. We are pleased to acknowledge that the honourable member has taken on board the Government's feedback on the negative consequences of the original version of the bill that was introduced. We are pleased these amendments address deficiencies in the bill as originally moved. The amendments omit the bulk of the content of the original bill and introduce a further amendment that is better targeted to address the issue that is being pursued by the Hon. Tania Mihailuk. We support the amendments because, if they are agreed to, the bill will retain the amendment to the definition of "pecuniary interest" in section 439AA of the Local Government Act 1993 to provide:

*pecuniary interest* means an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person, including an interest outside of New South Wales.

Instead of what we said was a flawed version of the original bill, amendment No. 2 will amend clause 440AAA to insert subclause (3A), which mandates:

The model code must contain provisions requiring disclosure of pecuniary interests comprising real property located outside of Australia.

As noted in the speech in response to the bill, the Government has no argument with that outcome. Councillors should be required to disclose overseas property interests in their returns of interests, and the Government is working to make that happen through the recently released Councillor Conduct Framework and the discussion paper which has been referred to. The Government had previously committed to requiring councillors to disclose overseas interests in their returns of interests in its response to the Standing Committee on State Development inquiry into allegations of impropriety against agents of the City of Bankstown Council, which has also been referred to in this debate.

The framework for regulating councillor conduct is currently under review and is likely to change significantly. The Minister has made it clear that he wants to see the Model Code of Conduct shortened from a 60-page document, which applies to every part of a councillor's work, to a short, aspirational document of two or three pages. That is a commonsense approach. Matters relating to the mismanagement of pecuniary interests are proposed to be handled through the Act. Contraventions would attract penalties, including fines, that can be actioned through a court of law. A bill that provides that the outcome be delivered through the Model Code of

Conduct is contrary to the Government's agenda in this space. It would need to be amended again later if it is passed. The Government has recently extended the submission date for its discussion paper on this topic to the end of the month, and I encourage members of the upper House to submit their views. It is not good governance to shortcut a genuine consultation process by accepting legislation contrary to what has already been proposed.

The other measures proposed in the discussion paper include aligning the requirement to disclose interests in returns of interests with those required for members of the New South Wales Parliament; extending the requirement for interests to be disclosed in returns of interests to interests held by a councillor's spouse or de facto partner, relative or employer; an absolute prohibition on councillors being involved in any matter before a council where they have a pecuniary conflict of interest, unless otherwise provided for under the regulations; and increasing the investigation powers of the Office of Local Government to allow it to gather information on corporate structures, such as trusts or companies, and to determine underlying beneficial ownership and interests. I put those comments on record on behalf of the Minister and the Government. We support the amendment and, for want of a better way of putting it, appreciate that the member has taken advice on board.

**The Hon. NATASHA MACLAREN-JONES (20:42):** The Opposition supports the amendment. I note the discussions that have occurred between the mover of the bill and the Government. Our position has been that we support the original bill. Our main interest is in ensuring that there is confidence in the community. These amendments still ensure that full disclosures regarding overseas properties are made, and we therefore support the bill as amended.

**Dr AMANDA COHN (20:42):** As previously indicated, The Greens support the amendments. We shared the concerns of the Government that the bill as introduced may have had some unintended consequences. This amendment resolves those issues.

**The Hon. TANIA MIHAILUK (20:43):** In reply: I thank the Government, the Opposition and The Greens for their support for these amendments. As I have indicated, I am trying to work through what is a relatively complex situation, so I am pleased that the amendments will be accepted. I understand that the Government is undertaking its review and that there may be further changes down the track, but there is nothing wrong with making changes as we go given the fact that an election was held very recently. At this stage, I do not think there is a clear timeline as to when the final changes might be made to the Model Code of Conduct. I can only hope that the legislation will be brought by Minister Hoenig early next year. I am looking forward to seeing the final changes that the Government will make. I do not know how I would cut down a 60-page model code of conduct document to three pages, but good luck. It might be in very small font, but I wish Minister Hoenig all the best. I appreciate that he is doing what he can to work through this. Again, I thank members for their support.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Tania Mihailuk has moved Pauline Hanson's One Nation amendments Nos 1 and 2 on sheet c2024-188A. The question is that the amendments be agreed to.

**Amendments agreed to.**

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

**Motion agreed to.**

**The Hon. TANIA MIHAILUK:** 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. TANIA MIHAILUK:** I move:

That the report be adopted.

**Motion agreed to.**

### **Third Reading**

**The Hon. TANIA MIHAILUK:** I move:

That this bill be now read a third time.

**Motion agreed to.**

*Documents***EARLY CHILDHOOD EDUCATION AND CARE SECTOR****Production of Documents: Order**

**Ms ABIGAIL BOYD (20:47):** I seek the leave of the House to amend private members' business item No. 1561, standing in my name on today's *Notice Paper*, by:

- (1) Omitting "21 days" and inserting instead "28 days".
- (2) Omitting "created since 1 January 2020" and inserting instead "created since 1 January 2021".
- (3) In paragraph (k) inserting "(other than standardised notices or circulars sent to all, or a category of, ECEC providers)" after "forms of communication".

**Leave granted.**

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

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents created since 1 January 2021, in electronic format if possible, in the possession, custody or control of the Deputy Premier, Minister for Education and Early Learning and Minister for Western Sydney, the Department of Education, the Minister for Police and Counter-Terrorism and Minister for the Hunter, the NSW Police Force, the Minister for Families and Communities and Minister for Disability Inclusion, the Department of Communities and Justice, or the Office of the Children's Guardian relating to the early childhood education and care sector:

- (a) all documents relating to emergency action notices, prohibition notices, suspension notices, compliance notices, show cause notices or other notices or directions served on or regarding early childhood education and care [ECEC] providers under the Children (Education and Care Services) National Law (NSW) 2010 (the National Law);
- (b) all written notices of decisions to cancel, suspend or continue approval of a service provider;
- (c) any notifications to parents of children enrolled at an education and care service about the suspension or cancellation of provider approval;
- (d) all documents relating to enforceable undertakings regarding early childhood education and care;
- (e) all documents relating to suspected, alleged or actual criminal conduct, reportable incidents or allegation or risk of significant harm incidents, including:
  - (i) suspected criminal conduct in an ECEC provider towards a child;
  - (ii) alleged or actual criminal activity, including fraud, in relation to ECEC provision in New South Wales;
  - (iii) any investigations of suspected or proven criminal conduct towards a child or any other criminal activity related to New South Wales ECEC provision;
  - (iv) any actual or alleged offence of failing to notify certain circumstances or information, or failing to keep enrolment and other documents, as required by the National Law;
  - (v) any actual or alleged offence of using inappropriate discipline or of using an inappropriate person;
  - (vi) any actual or alleged offence relating to protection of children from harm and hazards;
  - (vii) any reports or notifications to the Department of Communities and Justice of risk of significant harm [ROSH] for children while in the care of New South Wales ECEC providers;
  - (viii) any reports or notifications to the Office of Children's Guardian of reportable allegations against staff, volunteers or contractors working for a New South Wales ECEC provider; and
  - (ix) any reports or notifications of reportable incidents to the National Quality Agenda IT System [NQA ITS] from New South Wales ECEC providers.
- (f) all documents, including ministerial briefing documents, relating to death, serious injury or physical or sexual abuse of a child and a New South Wales ECEC facility or staff;
- (g) all documents, including any briefs, relating to prosecutions of early childhood providers and educators, including in relation to:
  - (i) any recommendations for prosecution for conduct towards a child suspected to be criminal, or other criminal activity related to ECEC provision in New South Wales;
  - (ii) any recommendations for prosecution of criminal conduct against any New South Wales ECEC providers and or staff in such a facility; and
  - (iii) any prosecution of any New South Wales ECEC providers or their employees or contractors.
- (h) all documents relating to allegations of fraud, money laundering or scams regarding New South Wales ECEC provision;
- (i) all documents regarding actual or alleged wage underpayment in any New South Wales ECEC;
- (j) all correspondence with the Productivity Commission or the Australian Competition and Consumer Commission relating to New South Wales ECEC providers;

- (k) all documents, including emails and all forms of communication (other than standardised notices or circulars sent to all, or a category of, ECEC providers), sent between the department and representatives or employees of any of the following entities:
  - (i) G8 Education;
  - (ii) Guardian Child Care;
  - (iii) Affinity Education Group;
  - (vi) Busy Bees Early Learning Australia;
  - (v) Edge Early Learning;
  - (vi) Green Leaves;
  - (vii) Imagine Education;
  - (viii) Story House Early Learning;
  - (ix) Montessori Academy;
  - (x) Greentown Education;
  - (xi) Bright Horizons, also known as Only About Children;
  - (xii) Nido Early School;
  - (xiii) Mayfield;
  - (xiv) Sparrow Early Learning;
  - (xv) Fullshare Holdings;
  - (xvi) Journey Early Learning;
  - (xvii) Little Zak's Academy;
  - (xviii) Eden Academy;
  - (xix) Embark Early Education;
  - (xx) Stepping Stones;
  - (xxi) Explore and Develop;
  - (xxii) Aspire Early Learning;
  - (xxiii) Tallawong Childcare;
  - (xxiv) Tallawong Early Learning; and
  - (xxv) Genius Childcare.
- (l) all documents regarding compliance visits, spot checks or other compliance monitoring activities of ECEC providers;
- (m) all documents relating to grants and payments made by the Childcare and Economic Opportunity Fund since its inception;
- (n) all documents relating to grants and payments made under the Start Strong for Long Day Care program; and
- (o) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

It gives me no joy to move this motion today. The motion calls on the Government to provide documents relating to the regulation of the early childhood and education sector in New South Wales. The sector is responsible for the care of the most vulnerable people in our society: our children. Reports of harm to children in early childhood education and care [ECEC] settings have escalated over the past year. Last month, three shocking incidents were reported in just one week.

First, a childcare worker was charged with sexually abusing eight children in a regional day care centre. The next day, a Sydney day care worker was arrested and charged with sexual touching of a young child. The day after that, another childcare worker was charged with more than 10 counts of child abuse after allegedly filming himself abusing young boys while in the classroom and bathroom, and also allegedly pleasuring himself in the classroom in front of children. That was just in October of this year and just in New South Wales. I could go on for hours listing all of the other cases involving instances of abuse against children in ECEC settings across Australia.

There have been numerous other reports alleging neglect, short staffing, widespread breaches of regulation and cutting of corners, particularly by the profit-taking larger players that dominate this sector. My office has heard stories of children being harmed because of failures to adequately supervise children or keep premises repaired. Separately, we hear from workers in these centres that they are increasingly concerned about the safety

of the children in their care. On top of that, workers in the industry have been raising the alarm for years about poor working conditions, low pay and dodgy and exploitative training and work experience programs.

Much like the aged care sector, the early childhood and education sector in Australia has become a largely privatised industry. Like the aged care sector, the only thing standing between companies that will do whatever they can to boost revenue and make more profit, and the children who will suffer if too many corners are cut in the pursuit of that profit, is regulation, monitoring and enforcement. It is a horrible aspect of humanity to confront, but wherever there are vulnerable people, there are other people willing to exploit that vulnerability. In both aged care and child care we have circumstances where people who are abused are less likely to be able to report their abuse or have their reports believed, and predators know that. When we add to those circumstances of vulnerability companies running these settings for financial gain with inherent incentives to cut corners and avoid scrutiny, anything less than the strongest and most proactive of regulatory regimes will leave people in harm's way.

With so many reports of harm to children and so many red flags being raised by staff and parents, it appears that the regulator in New South Wales is asleep at the wheel. With so much at stake, if we fail to adequately regulate the sector, I am left with no choice but to move this motion, to allow us and the public to review what has been happening in the sector, where the failings are and what we now need to do to reform it. I bring this motion because enough is enough. Children are being abused, trust is being betrayed and the sector is failing. We cannot just stand by and watch it happen.

I thank all parties for their willingness to discuss the motion with me, including the Government. Although we have not been able to reach a clear agreement on the scope of this call for papers, I note that I have made concessions by amending the motion to reduce its scope as a measure of good faith. I hope that going forward the Government will work with us to reform this sector that is so vital not just to children and their families but to society more broadly. I commend the motion 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) (20:51):** I thank the member. Listening to the way she has put the case, members would recognise these are very serious issues and they need to be dealt with sensitively. I thank the member for bringing the issues to the Chamber. I indicate that the Government is opposing the motion, given the concerns I will place on the record. But as the member has indicated, the Government has taken the issue very seriously.

I am advised that the Deputy Premier's office and the Deputy Premier and Minister for Education and Early Learning, Prue Car, spoke with the member today to discuss the order and raise concerns regarding its scope and nature. There have been some good discussions along those lines. I recognise that there is now an amendment to extend the timeline and narrow the time frame for which documents are sought, but the motion still seeks documents under 14 broad categories over an almost five-year period.

I place on record some of the concerns of the relevant agencies. The primary concern is the protection of the children. Agencies have raised the concern that the release of some documents captured under the order could reveal sensitive information to ongoing criminal proceedings, including revealing the regulator's investigation methodology. That poses the risk of providing people with an avenue to evade that investigation. There are also concerns about the volume of resources. I will not spend long advocating for that. I know that members have taken a traditionally hard line on that process. But I place those concerns on record, including referring to the advice of 9 April 2014 of the Solicitor-General and Ms Mitchelmore, which has previously been tabled in the House. I refer back to that advice.

While there are volume issues, it is the nature of the documents sought, including extensive, sensitive, personal information, that significantly increases the practical difficulties, alongside the volume. The advice to the Government—and this is why the Government has to oppose the motion—is that it could put ongoing investigations at risk. Speaking to the documents sought from the disability inclusion area, this motion calls for all reports or notifications to the Department of Communities and Justice regarding risk of significant harm while in an early education setting. That means all reports received by the child protection system, whether the child was found to be at risk of significant harm or not. That would require a qualitative review of tens of thousands of reports.

I seek leave for a one-minute extension of time.

**Leave granted.**

**The Hon. JOHN GRAHAM:** It would include sensitive information that could reveal the personal details of mandatory reporters, children and families in the child protection system. It would be inappropriate for sensitive information of that nature to be shared. The Government is prepared to work with the member, but I have been asked to place those concerns on the record. They are relevant to the production of documents but also to how

members or the House may seek to subsequently deal with the documents, particularly if they are provided under privilege. I will outline the concerns of the police. The Police Force has asked the Government to alert the House to the fact that the team that takes care of the call for papers process is a small but important team within the NSW Police Force's Office of the General Counsel. They are currently responding to the call for papers from the Hon. Jeremy Buckingham. I ask my colleagues to continue the Government's remarks to the motion.

**The Hon. EMILY SUVAAL (20:56):** I contribute to the debate on the motion. I continue where the Hon. John Graham ended in terms of the team that is currently responding to a very large number of matters, including a call for papers by the Hon. Jeremy Buckingham. Importantly, the team is working on the coronial inquest into the tragic incident at Westfield Bondi Junction earlier this year. That is an incredibly important piece of work, and responding to this very broad call for papers will pull resources away from the inquest. As it currently stands, the NSW Police Force would be unlikely to be able to produce the relevant documents due to the broad drafting of this call for papers.

Further, the terms of this order make it nearly impossible for the Police Force to conduct an accurate search. The NSW Police Force would not have the relevant details about any persons and their employment within an early childhood education and care provider and therefore would find it difficult to produce the material within the given time frame. I am advised information could sit with any police area command and police district or command across the NSW Police Force. I understand there have been discussions with the member about allowing the NSW Police Force to make its return to this order early next year after documents have been provided by the relevant regulator. That would allow the scope of the order to be refined so that the NSW Police Force can adequately respond to the order with the information relevant to the member.

I am also advised that many of the documents sought in the motion concern the administration of justice. In particular, paragraphs (e) to (h) of the motion seek, on their face, documents concerning alleged criminal conduct and criminal prosecutions. Those documents are within the purview of the Crown and courts and must be sought under Standing Order 55. They do not fall within the purview of the Executive Government and cannot be required to be produced under Standing Order 52.

I refer members to the Crown Solicitor's advice dated 19 January 2021 regarding this issue, which was tabled in response to an order for papers naming the NSW Police Force. The advice considers the operation of what was at the time Standing Order 53, now Standing Order 55. That advice considers the standing orders and previous case law and provides clear guidance as to whether a document concerns the administration of justice. Paragraph 11 of the advice notes the following three principles in relation to this issue:

(a) The historical and constitutional basis for the distinction between the operation of SO 53—  
now Standing Order 55—

and SO 52 lies in the distinction between the Crown (as Sovereign) and the executive government, as well as the separation of judicial and legislative functions.

...

This context should inform the interpretation of SO 53.

(b) Documents will "concern the administration of justice" if they contain material touching on or concerning court proceedings. There must be some connection with actual ... court proceedings, including prospective proceedings.

[Time expired.]

**The Hon. CHRIS RATH (20:59):** On behalf of the Opposition, I indicate support for the motion moved by Ms Abigail Boyd. The honourable member has done a good job of working with the Government to ensure that concessions or amendments have been included to agree, where possible, with the Government's request. We do not believe that the scope is unreasonable in its nature. We do not believe the concern Government members now hold, which are concerns they did not hold when in opposition, about the volume of papers that would need to be produced is a legitimate concern. The Opposition has great belief that our public servants will be able to produce the requested documents in the appropriate time frame.

In the off-chance that they are not able to produce the documents in the stated time frame, there is always the option of requesting an extension. In terms of the confidential nature of some of the documents, that can be worked through as well. Certain documents can be redacted or made privilege so they are viewed by members of this House only. There can be situations in which certain documents are not produced. But I do not think scenarios would develop in which information would be so sensitive that, if it were publicly available, it would interrupt various legal proceedings. The Opposition supports the motion. We have great belief that our public servants will meet the deadlines. We support greater accountability and transparency. We thank Ms Abigail Boyd for moving the motion.



**The Hon. STEPHEN LAWRENCE (21:01):** I also speak against the motion. The Government's firm position, which of course is based on advice, is that the motion is excessively broad and could capture documents that may impact on a number of ongoing criminal proceedings. I understand that Ms Abigail Boyd has moved an amendment that extends the timeline to 28 days and narrows the time frame by 12 months. But notwithstanding that, the motion seeks documents under 14 broad categories over an almost five-year period. The Government's primary concern is the protection of children. Not only could the release of some documents captured under this broad order reveal sensitive information in respect of criminal proceedings, but it could also reveal the regulator's investigation methodology and therefore pose the risk of providing people with an avenue by which to evade investigation.

Moreover, the quantum of the request for documents, as already discussed, would have the effect of diverting resources away from important ongoing investigations because the only staff able to process the request are those also tasked with other matters. In essence, the advice of the Solicitor General from 2014, which has been tabled in the House and published, states that it is reasonable, as a matter of privilege, to query or dispute an order that contains an impractical deadline or seeks documents in a way that is so broad and unwieldy as to place great practical difficulties on compliance. That advice has been referred to in this place before. I suggest it is difficult to see how such a broad order for papers is reasonably necessary for the functions of the House. In the Government's view, the imposition of this level of additional burden in an unreasonable time frame would compromise the primary function of the regulator, which is to keep children safe.

In relation to the scope of the motion, it calls for all reports or notifications to the Department of Communities and Justice [DCJ] regarding the risk of significant harm. For example, that would mean all reports received by the child protection system, whether the child was found to be at risk of significant harm or not. It would require a qualitative review of tens of thousands of reports and would include highly sensitive information that could reveal the personal details of mandatory reporters, children, and families in the child protection system. In the Government's view, it would not be appropriate for sensitive information of this nature to be shared. If the member would like more specific information, the Government is happy to work with her and provide to her what the Government can.

**Ms ABIGAIL BOYD (21:04):** In reply: I thank the members who contributed to the debate. I understand that a lot of what Government members said during the debate had come from other Ministers and departments, but I take issue with quite a bit of it. Firstly, I have done nothing but be willing to cooperate when it comes to negotiating the terms of this Standing Order 52 request. As I made clear when I moved my amendments to the motion at the beginning, and during my contribution introducing the motion, I am open to having further discussions on narrowing the scope of the motion and putting it in tranches—whatever it happens to be—as I have done consistently in this House for the last 5½ years.

For example, with the risk of serious harm reports, at no point was I given an amendment by the Government that would have narrowed that provision. When I investigated this, I was informed by people who know how these things work that in fact that would not be the case—that a risk of serious harm report would be an actual risk of serious harm report, not minor incidents reported. So I take issue: If Government members think The Greens could have done something to narrow this provision before the motion was moved, I would have been most open to that, but they did not come to us in that form. The idea that, by seeking to investigate the clear failings of a regulator, we are risking them failing more through a diversion of resources is quite offensive.

On the back of all of the reporting of sexual abuse of children in facilities and of the failings of the regulator, for the Government to then say, "Oh, yes, but if you look into this, they might fail more and maybe some more children will be harmed," is really offensive. It is our job in this place to hold the government of the day accountable, and that means using the powers of the House to investigate to the greatest extent possible what is going wrong in systems when something this grave is happening to children in this State. I do not apologise for moving this motion today. I also do not apologise for it being broad because, by its nature, it needs to be. I will give the Government the benefit of the doubt and say that I am willing to negotiate once it has done a full investigation into the extent of these documents, but it is very disappointing that, after everything, the Government still opposes the production of these documents.

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

**The House divided.**

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

## AYES

Barrett  
Boyd  
Buckingham  
Carter  
Cohn  
Faehrmann  
Fang (teller)

Farlow  
Farraway  
Higginson  
Hurst  
Latham  
MacDonald  
Maclaren-Jones

Martin  
Mihailuk  
Munro  
Rath (teller)  
Roberts  
Ward

## NOES

Buttigieg  
D'Adam  
Donnelly  
Graham

Jackson  
Kaine  
Lawrence  
Moriarty

Murphy (teller)  
Nanva (teller)  
Primrose  
Suvaal

## PAIRS

Merton  
Mitchell  
Tudehope

Houssos  
Sharpe  
Mookhey

**Motion agreed to.**

*Motions***ELECTRICAL TRADES UNION AND RAIL, TRAM & AND BUS UNION INDUSTRIAL ACTION**

**The Hon. NATALIE WARD (21:15):** I move:

- (1) That this House notes:
  - (a) the ongoing Electrical Trades Union protected industrial action that is impacting the delivery of the Sydney Metro Sydenham to Bankstown conversion; and
  - (b) the ongoing Rail, Tram and Bus Union protected industrial action that is impacting commuters on a going basis.
- (2) That this House further notes that:
  - (a) the Rail, Tram and Bus Union is threatening to stop work on Thursday, Friday and Saturday this week if demands are not met;
  - (b) the Rail, Tram and Bus Union is currently seeking an 8 per cent pay raise every year for the next four years and a reduction in work hours;
  - (c) on 7 November 2024, the Rail, Tram and Bus Union notified its members that "It is becoming abundantly apparent that the Transport Minister is not taking our bargaining seriously, expecting somebody else to come in and rescue the situation";
  - (d) on 11 November 2024, 2GB Morning host Ben Fordham read out a text from a "Justin" live on air which said, "Is Josh Murray the new Transport Minister? Where is the Minister? Only around it seems when there's good news ..."; and
  - (e) Transport Secretary Josh Murray appears to be the only person able to front up on tough issues concerning the Transport portfolio.
- (3) That this House calls on the Government to:
  - (a) clarify why Transport Secretary Josh Murray appears to be the only one who can publicly answer tough questions when it comes to matters concerning the ministerial Transport portfolio;
  - (b) publicly declare what the Government's negotiating position is on wage increases for the combined rail unions and what offers have been made; and
  - (c) be clear and upfront with commuters on what impacts they can expect this week.

There are two substantive parts to the motion. The first is the Rail, Tram and Bus Union [RTBU] and the second is the Government's media strategy. Regarding the RTBU, it is clear who has whose measure when it comes to wage negotiations with the rail union. The fact is that commuters are being impacted. We can debate why, how and whose fault it is, but commuters are being affected because the Government promised the RTBU the world and now it has come for its part of the bargain. While I do not like seeing any commuter impacted, I do have some

sympathy—it will astonish members to find—for the RTBU because apparently the Minister is not listening or is incapable of dealing with the union.

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** Order! There is too much audible conversation in the Chamber. Members will take their conversations outside. The Hon. Natalie Ward will be heard in silence.

**The Hon. NATALIE WARD:** They may not have liked David Elliott or the Hon. Damien Tudehope, but at least commuters knew where they, as the Ministers responsible, stood. The problem is we do not know where the Government stands. Unlike the Government's communication regarding nurses, the Government, or the Minister, will not say what is happening. Whatever we think about industrial relations, I will give credit to Ryan Park for fronting up to the media and the public regarding industrial negotiations with the relevant unions; we know where he stands. However, when it comes to the RTBU, it is silence from the Minister or the Government.

We all have annoying bosses; I know that. I may or may not be one of them! But one would think that the Minister is in charge of the transport system, not the RTBU. That is why I was gobsmacked to see the rail union say of the Labor Minister:

It is becoming abundantly apparent that the Transport Minister is not taking our bargaining seriously, expecting somebody else to come in and rescue the situation.

I invite any Labor member to stand up to say on record, "I disagree with the RTBU. It is wrong." As I thought—silence. The rail union has no confidence in the Labor transport Minister—that is not me saying it. It is the union saying it, and I have quoted it. It is a serious matter. Does the Government—and commuters—need someone else to step in to rescue this situation? Perhaps not; perhaps yes. We do not know. We also do not know what wage deal is currently on the table. How far apart are the Government and the rail unions on wages? We want to know. What is on the table and what is off the table? What can commuters expect? Why are commuters being impacted with so little detail?

That brings me to the Secretary of Transport for NSW, Josh Murray. I will be the first to admit that I have made good hay out of Mr Murray's appointment and his "experience". For my part, he is probably the most well-known transport secretary in history. While I am a tough marker, I am a fair judge, and I will say that he is using his communication skills very well. For a public servant, the transport secretary has a higher profile than the two Ministers and even the police commissioner. Here is the problem: Mr Murray takes on the hard stuff so that the Minister does not have to, and the public gets short-changed.

Any time there is anything remotely difficult to answer, Mr Murray gets sent out to front the cameras and the Minister goes into witness protection, when it should be the Minister answering the questions. Do not ask me; ask Justin, who texted in to 2GB. Justin said, "Is Josh Murray the new transport Minister? Where is the Minister? Only around, it seems, when there is good news." I agree with Justin; he has got it right. It is true and it is wrong. The Minister does not front up on the tough issues. There is ongoing industrial action; the Minister does not front up. There are e-bike electrical fires; Josh Murray fronts up. There is a light rail dispute; Josh Murray fronts up. Every time it gets tough, the Minister goes missing and Josh has to take it. The problem is that, besides the transport Minister, no-one elected Josh Murray.

I seek an extension of 45 seconds.

**Leave granted.**

**The Hon. NATALIE WARD:** No-one elected Mr Murray. My concern is not Mr Murray's communication skills; my concern is the *Freaky Friday* situation that the Government tries to pull over the public's eyes when it suits the media profile of the transport Minister. Who is Jamie Lee and who is Lindsay Lohan in this situation? We do not know. The Minister for Health fronts up to the media when he is cage fighting with nurses over a pay deal and health issues. He does not hide behind the Health secretary. The Deputy Premier fronts up on education. She does not hide behind the Education secretary. When it comes to transport issues, Josh is in the movie *She's the Man*. Josh fronts up. He is the only one. He is out there because nobody can criticise a public servant. He is not in charge and is not accountable for the decisions that are made because no-one elected Josh Murray. It is a great media strategy, but it is poor performance. I ask the Minister to clarify why Josh Murray appears to be the only one who can answer tough questions. I commend the motion.

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** I was loath to interrupt the Hon. Natalie Ward again, but there is a lot of discussion in the Chamber. Members can pop out to the members' lounge if they want to continue their conversations.

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (21:22):** The shadow

Minister for Transport and Roads made the point that members of the Rail, Tram and Bus Union [RTBU] knew where former transport Ministers stood. It was not when they stood but when they slept that it occasionally became a problem. Answering the phone was the problem back in the old transport days. That used to be the issue. The current Minister for Transport is working around the clock on transport issues. I will be up-front about the RTBU issues. The Government and the Minister have been clear that while conversion works are on track and while industrial impacts are being appropriately managed, there will be impacts from the bans that the RTBU and other unions have put in place. There will be impacts during that time.

The shadow Minister quoted the RTBU. The secretary of the RTBU, Toby Warnes, also recently said, "To the Government's credit, they have sat down with us, and they are working through it in a very meticulous way." Anyone who has been through public disputes about industrial relations knows that there are ups and downs. There will be a heavy contest, but I hope, like the other deals, they will land—and land substantially. I come back to the point I made earlier: The Government will not be taking advice from a party that wants the wages cap back. We are not going to take that advice, particularly when those opposite are for the wages cap but opposed to the toll cap. They will not help us keep toll costs down, but they want to keep wages down. If that is the position of the Opposition, we will not listen. Why is Josh Murray out there delivering the bad news instead of the Minister? There is so much good news for the Minister to announce. That is the issue here.

**The Hon. Bob Nanva:** Opening.

**The Hon. JOHN GRAHAM:** The Minister is out there opening the metro. That is a very good point. She is out there announcing new bus routes and new active transport. There is so much good news to go around. Here is some good news: This weekend the trains will run for 24 hours. The Opposition was asking for that only a week ago, and the Minister has delivered in short order. Where are the congratulations from the shadow Minister for that? The shadow Minister asked and the Minister delivered more good news. It is no wonder she is busy. She is one of the most active Ministers in the Government. I thank her for the work she is doing, and I oppose the motion.

**Ms ABIGAIL BOYD (21:25):** I have thought a lot about this motion. It is clearly coming from a political perspective that I am not sure I completely agree with. But there is a kernel of truth in some of this. I thought that the best thing to do would be to amend the motion. I move:

That the question be amended by omitting all words after "(1)" and inserting instead:

this House notes:

- (a) the Rail, Tram and Bus Union [RTBU] has been in protracted negotiations with the Government over the rail union's enterprise agreement, which expired six months ago;
  - (b) after labouring under a decade of lost wages under the repressive and arbitrary public sector wages cap, the RTBU is calling for a wages adjustment of 32 per cent over four years to finally go some way towards recognising their critical contribution to the smooth and efficient movements of our community; and
  - (c) the RTBU has expressed their deep frustration at the pace of negotiations for their new agreement, accusing the State Labor Government of "dragging their heels" in terms of responding to calls for better pay and conditions while their "members" pay has effectively gone backwards while Government and management twiddle their thumbs and constantly delay progress on the EA.
- (2) That this House calls on the Government to:
- (a) avoid forcing disruption of the public transport network through a failure to achieve a suitable agreement with the RTBU;
  - (b) properly engage in the bargaining process and work through the log of claims with the RTBU; and
  - (c) finalise the agreement as quickly as possible, on best possible terms available for these essential workers.

If the amendment is agreed to, The Greens will certainly support the motion. I thank the mover of the motion for bringing this issue to the attention of the House. It is not out of line to say that the union probably appreciates the member continuing to bring this matter to the attention of the House and putting pressure on the Government. I hope that we end up with a fair and decent agreement with the Rail, Tram and Bus Union posthaste.

**The Hon. CHRIS RATH (21:27):** Union strikes across New South Wales are not new but, under this Labor Government, they are not only increasing but also costing taxpayers millions of dollars. In the past three months alone there have been regular strikes by the Rail, Tram and Bus Union [RTBU], putting pressure on the Government to fulfill its request of a 32 per cent pay rise over four years and a 35-hour work week. In September the RTBU threatened industrial action if the Government did not agree to 50c fares for public transport users. The RTBU also threatened to shut down the entire T3 line if the Government decided to go ahead with planned metro service upgrades between Sydenham and Bankstown. That action was estimated to cost taxpayers \$100 million a month if the RTBU was not appeased.

One of the more embarrassing moments for the Government was that it publicly came out and announced that it had capitulated to the RTBU by putting drivers on driverless trains. No other country in the world with such fantastic technology as the metro system in New South Wales has had to endure the embarrassment of announcing drivers on a driverless metro. It is completely and utterly absurd. We need only look at what it did with the New South Wales Infrastructure Future Fund for more evidence. In October the RTBU decided to hold a five-minute strike at 3.00 a.m. for its ongoing demands, which had flow-on effects through to peak hour that morning. This month the RTBU threatened to strike again, this time about its demands for a 24-hour train service between Thursdays and Sundays, and better pay conditions.

We are seeing a pattern of industrial anarchy, sabotage and blackmail, where the RTBU whinges about its demands and then Labor comes to the negotiating table with its tail between its legs. I say to the Government that it should not reward bad behaviour every single time the RTBU makes a demand. The Government should come to the negotiating table, but it should not capitulate when the RTBU does this type of industrial sabotage. The Government may be doing so because of the New South Wales Labor Party's cosier relationship with the RTBU. We know that the Government Whip, the former head of the RTBU, is a life member of the RTBU. We know that Alex Claassens, a former member of administrative committee of NSW Labor, was the head of the RTBU. We know that Labor has received \$400,000 in political donations and affiliation fees since 2018-19. You would think it would be able to sort out the unions.

**The Hon. BOB NANVA (21:30):** I do not bring a very impartial view, but I am often astounded by just how exercised members of the Opposition get with every aspect of industrial bargaining. I cannot work out whether there is genuine unfamiliarity with the nature of bargaining between a government, its workforce and the agency—

**The Hon. John Graham:** They might just need a hobby.

**The Hon. BOB NANVA:** I acknowledge that interjection—or if it is an unsophisticated attempt to exploit the legitimate frustrations that workers and the public may occasionally have from time to time, to smash and grab some quick political points. Either way, it reflects very poorly on those opposite. Because of all the hand-wringing in the motion, I am compelled to quote from the latest Rail Tram and Bus Union [RTBU] members' update, which states:

Our Sydney and NSW Trains Enterprise Agreement negotiations have reached a critical phase. While we've achieved significant advances, several fundamental issues still require resolution. We are vigorously pursuing enhanced wage increases and some outstanding claims on important conditions for members across the organisation

That captures the essence of bargaining, and why the motion is so redundant. Clearly, as trade unions like the RTBU step up to fight, to protect and advance the interests of their members, we are all going to have to endure the relentless use of every negotiating step, process, flashpoint and settlement as a vehicle of political convenience. That is a great shame because there are surely far more appropriate political tropes that can be used by the Opposition to rebuild its electoral prospects than workers who may seek to apply every legal tool at their disposal to pursue and prosecute their cause. In any event, the Hon. Natalie Ward's motion seeks information about the Government's negotiating position and any offers made in rail bargaining. Others can speak to that; I do not need to.

Instead, I spell out what we will not do during bargaining. We will not debase and devalue the work of those essential rail workers, or the legitimate role of the RTBU in advocating for them. We will not insidiously use innovation and technology to destroy good, secure jobs in the transport industry and de-unionise well-organised workplaces. We will not waste taxpayer and union member funds scouring for legal loopholes and technicalities, like threatening to tear up enterprise agreements or making spurious section 424 applications to stop protected industrial action, which I note the former Government routinely did with a 0 per cent strike rate. We certainly will not be putting respect for the workforce below making an example of them by locking them out of their workplace, then falsely accusing and admonishing them through the media for being locked out. That is something the previous Government shamefully did during the last bargaining period: It locked them out, then accused them of not showing up to work. That is disgraceful.

**The Hon. MARK LATHAM (21:34):** There has been a lot of commentary in the Chamber about the speech of the Hon. Bob Nanva. It was certainly the honourable member's most animated contribution to the House, but I fear it was based on a furphy because he kept on referring to bargaining. What bargaining? No bargaining has been undertaken by a government in New South Wales for years in the industrial space. The whole point of getting rid of centralised wage fixing in Australia in the late 1980s and into the 1990s was to have productivity trade-offs in return for wage increases. This Government does not do any of that. There is no real bargaining. What is the bargain? The bargain is what can Labor squeeze out of the budget to pay the wage increases to the union representatives and, I suppose, have a quieter Labor Party conference. That is what it comes down to.

We are finding that some of the funding of those schemes is a bit questionable. The large, quite generous wage increase for the police apparently comes from not filling vacancies that should be filled to ensure that we have police on the beat keeping people in New South Wales safe from law-breakers. To that extent, it is a bit artificial. What is the productivity agenda of this Government? The teachers were the first cab off the rank on a very substantial pay increase. There were no productivity gains at all. You can go through the teachers award and it is sort of like a sheltered workshop of provisions. There is just provision after provision, accumulated over time from various governments, that do not reflect the modern realities of the workplace, particularly in what should be a well-rewarded, performance-based occupation like teaching.

There is no bargaining. It is a furphy for Labor Party members to beat their chest and talk about bargaining because there is none under this Government. There is just the exercise in squeezing what they can out of the budget—some of it through the back door—with cost savings in other areas that are not necessarily in the public interest, and adding to the budget deficit. I do not think their predecessors in the Liberal Party, who have this big interest in trade unions, did any bargaining either. There has not been a productivity agenda in New South Wales for ages. When we all say, "Why is the public dissatisfied with the public sector in this State? Why is inflation so high? Why is the cost-of-living crisis so bad? Why are people struggling so badly?", you would think the Government would have a productivity agenda.

I asked some questions of the industrial relations Minister at estimates about this and she was like a blank piece of paper. She was an empty space in terms of a productivity approach. There is no bargaining. The former Government had the crude wages cap, which I opposed consistently because it was anti-bargaining. A wage cap is totally against the idea of seeing if you can have productivity trade-offs. The new Government has come into office with just an approach of funding wage increases without any productivity gains at all. Let us not talk about bargaining, because there is none, and get back to reality.

**The Hon. MARK BUTTIGIEG (21:37):** I am constantly surprised by the brilliant strategy of those opposite, who come into the Chamber week after week to allow us to illustrate how successful we have been in this space compared to them. One only has to look at the figures. The figures speak for themselves and illustrate the contrast of our different approaches. The Labor Government has strong, proud affiliations with the trade union movement and uses those proud, strong affiliations to sit down and make sure we get good negotiated outcomes that everyone is eventually happy with. It might surprise those opposite to hear that, in the last 18 months of the previous Liberal-Nationals Coalition Government, industrial action was 154 times higher than it was under the first 18 months of the Minns Labor Government. With 154 times fewer industrial actions, the Minns Government has achieved a great deal in 18 months in terms of wage justice.

I will recite our achievements again. It was done earlier today in the take-note debate. There was a 4½ per cent wage increase to the public sector across the board. Teachers received the biggest pay rise in a generation. The entry rate went from \$75,791 to \$85,000. At the top of the scale, pay went from \$113,000 to \$122,000. That is a massive fillip, which has resulted in great retention rates for teachers. Recently there was a deal with the Public Service Association, the union that covers public sector workers, to increase the remuneration of 80,000 workers by 11 per cent, inclusive of super, over three years. As I said this morning, the Health Services Union secured a one-year pay increase of 4 per cent with 100 per cent salary packaging for 50,000 health workers. Then, of course, the police secured a stellar increase of 10 per cent per annum over four years. The nurses have had ratios implemented, which is costing the Government some \$1½ billion, and they will get a pay rise way above what they could ever have hoped for under members opposite.

My suggestion to members opposite is that if they wish to keep highlighting our success compared with theirs then they should by all means do so, but I do not think it is very fertile ground for them. I thought they had dropped it a few months ago when they stopped asking us a litany of questions in question time. I thought they had gone cold on it and there was no more fertile ground, but they are on the case again. My advice to them is to drop it and come up with some policies that might attract New South Wales voters and make those opposite think they are doing something to help them. But the Government will not stop working with the unions to get good outcomes for workers. It is a success story and we will keep shouting it from the rooftops because it is a good news story.

**The Hon. WES FANG (21:40):** I make a contribution to debate to bring some civility back to the House, because the temperature is very high and it is late in the evening. There are perhaps some fraying tempers, so it is appropriate that we bring the temperature down a little bit and look at the facts. I commend the motion brought by my good friend and colleague the Hon. Natalie Ward, even though she can apparently be a bit of a tyrant of a boss, or so some would say. The motion is an acknowledgement that the secretary in the transport space is acting more like a Minister than the Ministers themselves.

It is surprising that Josh Murray is acting up—I think that term is usually used in public sector roles—because he ultimately does not have the operational experience that he should have had when he took the job. But

he did have some other skills to compensate for the fact that he did not have that operational experience. What skills were they? They were the skills of a media manager and spin doctor, as the Opposition Whip said. When a secretary is effectively just a mouthpiece to front up to the cameras when there is bad news, it is no wonder that we are seeing the industrial action that is occurring in the transport space in particular.

The Minister tried to sell the decision of the Government to offer 24-hour train services this weekend—which I would call a capitulation—as some sort of win for commuters. Whilst I acknowledge that members on this side advocated for 24-hour train services, I think we were advocating for metro services. I do not know that metro services will be in 24-hour operation; I think it is the heavy rail. As far as I am aware, the heavy rail needs train drivers—as opposed to the metro, where the Government will put train drivers on for trains that do not need them. That is indicative of how the Government operates. The previous speaker said that the Government will achieve good outcomes for workers because it is working with the unions. Ultimately, this Government is so under the thumb of the union movement that it capitulates at almost every opportunity. When it does try to stand up to the unions, as we saw today, the nurses point out that the Government has failed them.

**The Hon. CAMERON MURPHY (21:43):** I start in a very civil fashion by thanking the Hon. Natalie Ward for moving the motion. It would not be a normal Wednesday without this utter hypocrisy on display yet again. Earlier in the day—and we heard it earlier in this sitting week and in the last sitting week—we had comrade Tudehope over there, the workers' friend, talking about what the Government should be doing to look after workers. Later in the day, on a Wednesday, as usual, we have a motion like this, which is attacking workers who are using the only tool that is available to them—taking industrial action—to further their claims. We must recognise that this is lawful industrial action. People go through that process in order to achieve those hard-fought and hard-won conditions that make their lives better. It is a difficult process. The Government is engaging honourably by discussing the claims with the two unions set out in the motion, the Electrical Trades Union and the Rail, Tram and Bus Union.

It is a normal part of industrial negotiations for that to happen. Members should not forget that none of that happened under the previous Government at all because its offer was a wages cap, take it or leave it, and that was it. There was no negotiation; there was no process. The Opposition does not support workers. We debate these motions week after week in this place because Opposition members see any worker standing up for better wages and conditions as someone who should be treated with contempt. That is why they move these awful motions in this place. These awful motions demonstrate a complete misunderstanding of the process. It is hypocritical for one Opposition member to say they are a friend of the workers and for another to move a motion like this. I urge members to vote against the motion. [*Time expired.*]

**The Hon. NATALIE WARD (21:46):** In reply: I thank all honourable members for their contributions to debate. We have heard some very interesting contributions. I will start with my initial points. It is interesting that we have a roads Minister who is the Minister for happy hours and mirror balls. He is a nice guy, but he is more interested in mirror balls than motorways. And we have a Minister for Transport who is a Minister for the good times. She is never there for the bad times or the tough announcements. She is there when we have 24-hour trains and when the Government is doing other good things, and that is all lovely and fine. But when it comes to the tough times—and that is what this motion is about—where are they? It is interesting that we have completely ignored those concerns.

I am concerned about Justin, who took the time to text Ben Fordham at 2GB to ask about Josh Murray. "Where is he? He is there, but where is the Minister?" Justin has been ignored in all of this. No-one has responded to him. My concern—and this is the reason that I have moved this motion—is about the Rail, Tram and Bus Union, which said to its members, "It's becoming abundantly apparent that the transport Minister is not taking our bargaining seriously. He expects somebody else to come in and rescue the situation." I am taking up the concerns of the union. It is interesting that Government members said the Opposition is attacking workers. The Hon. Cameron Murphy—my mate Murphy the Trot—spoke about attacking workers. The motion has nothing to do with workers. It is about—

**The Hon. Anthony D'Adam:** Point of order—

**The Hon. NATALIE WARD:** I ask that the Deputy President exercise her discretion to stop the clock.

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** A point of order has been taken.

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

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** I have made my decision.

**The Hon. Anthony D'Adam:** The member is using a disparaging term in respect of my colleague, the Hon. Cameron Murphy. I ask that she withdraw the comment.

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

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** Members will resume their seats. When I say that a point of order has been taken, that point of order will be heard. Points of order will be heard in the order that I call them. I said that the Hon. Anthony D'Adam could take a point of order. I noted that the Hon. Natalie Ward requested that the clerk stop the clock. I will reinstate some time, but the member cannot continue to seek to take a point of order after I have given the call to the Hon. Anthony D'Adam.

**The Hon. Anthony D'Adam:** I think I had concluded. I only ask the member to withdraw the comment.

**The Hon. Wes Fang:** To the point of order: It was recognised earlier today when points of order were taken that the member himself needs to take offence. I note that the response of the Hon. Cameron Murphy was to hold up the hammer and sickle sign that somebody stuck in his folder. I do not know who that was! I suspect that the Hon. Cameron Murphy was far from insulted. In fact, he owned it—that is the term I would use. I certainly do not think any offence was taken, and therefore the point of order should be ruled out of order.

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** I remind all members about the appropriate way to behave in this Chamber, as they have been reminded throughout the day. I direct members to the rulings Assistant President Peter Primrose, who was in the chair earlier. I reinstate one minute on the clock for the Hon. Natalie Ward to finish her contribution.

**The Hon. NATALIE WARD:** Thank you, Madam Deputy President. I meant no offence to my colleague and friend.

**The Hon. Chris Rath:** In fact, he's a comrade.

**The Hon. NATALIE WARD:** My comrade and friend—I am not used to the terms. I do not know how to use them. I thank members for their contributions. I am unable to support The Greens' well-intended amendment, but I thank them for their energy. I have not had time to consider the amendment in detail, but I do like their intent. Importantly, the Opposition will continue to move motions like this one. We on this side want to make it very clear that in this Kafkaesque world we live in, we do not understand why there are drivers on driverless trains.

We do not understand who is going in to bat for the commuter. Where is the commuter union? Where are the people who are impacted—the students getting to school and other people impacted daily by this? I thank my colleagues—I do not have time to name them all—for their contributions. It is very clear that the Labor Government promised that wage increases would be met from productivity savings, and that has not been the case. That was an election promise that has not been met. The Opposition will continue to hold the Government to account. I wish the candidate for Barton the very best of luck. [*Time expired.*]

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** The Hon. Natalie Ward has moved a motion, to which Ms Abigail Boyd has moved an amendment. The question is that the amendment be agreed to.

**The House divided.**

Ayes .....5  
Noes .....27  
Majority.....22

#### AYES

Boyd (teller)  
Cohn (teller)

Faehrmann  
Higginson

Hurst

#### NOES

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

Graham  
Jackson  
Kaine  
Latham  
Lawrence  
MacDonald  
Maclaren-Jones  
Martin  
Mookhey

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



**Amendment negatived.**

**The PRESIDENT:** The question now is that the motion be agreed to. Is leave granted to ring the bells for one minute?

**Leave granted.****The House divided.**

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

**AYES**

Barrett  
 Carter  
 Fang (teller)  
 Farlow

Farraway  
 MacDonald  
 Maclaren-Jones  
 Martin

Munro  
 Rath (teller)  
 Roberts  
 Ward

**NOES**

Boyd  
 Buckingham  
 Buttigieg  
 Cohn  
 D'Adam  
 Donnelly  
 Faehrmann

Graham  
 Higginson  
 Hurst  
 Jackson  
 Latham  
 Lawrence

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

**PAIRS**

Merton  
 Mitchell  
 Tudehope

Houssos  
 Kaine  
 Sharpe

**Motion negatived.**

**The PRESIDENT:** According to standing order, it being after 10.00 p.m. proceedings are interrupted.

*Adjournment Debate***ADJOURNMENT**

**According to standing order, members made the following statements.**

**ROAD TOLLS**

**The Hon. NATALIE WARD (22:03):** Further to questions asked today in question time about the Government's so-called proposal for toll reform, I am inclined to speak because it is as clear as mud. There is no clear information from the Government about what it is actually proposing to do. The Opposition asked questions today and has done so consistently about the so-called toll reform. It seems to me that it is an empty shell or a bait and switch—"Look over here and you'll find something. Look over there and you'll avoid what we're actually trying to hide." The Opposition is concerned about what deals are being done without the public's knowledge. What is actually on the table and what is not? Toll concession extensions mean that drivers will pay more tolls for longer. That is not what the Minns Government said before the election and it is not what it has said any time publicly. It is new information about toll extensions and it is concerning. We have raised our concerns. The Government needs to come clean and tell us what it is proposing for toll reform.

I support toll reform. I support making it cheaper for drivers. But I do not support a bad deal to chase a headline. Will there be two-way tolling on the Harbour Bridge? Will there be concession extensions? Will there be a side deal? We do not know. It would be a seismic broken promise if Labor forces motorists to pay more tolls and higher tolls for longer in this State. Labor promised no new taxes and no new tolls for the same infrastructure pipeline as the Coalition. Labor needs to come clean about its proposal for toll reform. As a former Minister in the previous Government, I readily concede that we had toll concession extensions. We did that to achieve the interchange and ensure that further infrastructure was built. We had those toll concessions because we built roads.

We were up-front about it. We took tolls to two elections. We won one and we lost one. Our infrastructure pipeline was clear and our ability to deliver that infrastructure was clear.

We delivered. We planned, funded, built and delivered WestConnex. We planned, funded and built NorthConnex. That infrastructure was opposed by Labor. We planned, funded and built the metro, which was opposed by Labor. That infrastructure would not have been built by Labor at all. We would not even be having this debate if Labor had been in government then. We know that the toll legislation announcement is more about bureaucracy. It is more talk without delivery. First, Allan Fels was going to lead the toll reform. Then it was a direct deal with the Government. Now it is about creating a new bureaucracy. Opposition members who have been in government know that delivery is what matters, not smoke and mirrors. This is a bait and switch. We know from the Fels report that the Government wants people who live in south-west Sydney to pay more in tolls. That is in Allan Fels' report.

So far, the Minns toll reform is more tolls, higher tolls and, potentially, tolls for longer. This is not an issue that people either support or do not support. The issue is delivery and not talk. If the Government releases its modelling and tells the public what price motorists will pay, if it is a good deal we will back it in. But we are not seeing that. We are not seeing any information. That is why we are asking whether selling off road concessions is on or off the table. Why has a bank been briefed on this? Why does a bank know more than motorists about the plan? Extending toll road concessions is forcing motorists to pay more for longer. It is that simple. Before the election, the Premier was anti-tolls. Now he and Treasurer Daniel Mookhey cannot rule out more tolls, higher tolls or longer tolls. They will not tell the public what is on or off the table.

They should be up-front. That is why the Opposition is asking questions in question time. That is why we are asking questions in this place. That is why we are giving speeches on the matter. Today on 702 ABC the Treasurer was asked directly whether he was going to sell off more toll roads and he refused to answer. He can pivot and he can spin, but he needs to be up-front with the public. It is a yes or no answer. Let us get the bank on the line. Apparently the bank knows more than motorists. Who is going to benefit from this? What is on the table? Chris Minns promised no new tolls on existing roads and no two-way tolling on the Harbour Bridge. Now the Government is secretly talking about making motorists pay tolls for longer. It is an outrage.

#### POPULATION DECLINE

**The Hon. JEREMY BUCKINGHAM (22:09):** I speak this evening on the critically important issue of population. I recently availed myself of a lecture by visiting fellow Nicholas Eberstadt, who addressed the Centre for Independent Studies in the John Bonython Lecture series. It was one of the most fascinating lectures that I have ever heard. It brought home a range of concerns that I have had for a long time. The progenitor of those was a book that I read 15 years ago called *Peoplequake: Mass Migration, Ageing Nations and the Coming Population Crash*, by Fred Pearce. In it, he makes a very cogent argument that foreshadows a concern that, in the future, we will have a population decline that will have massive implications for how we sustain our economy and our services, and for how we live, where we live and our impact on the globe. In the book, Pearce says:

... the poorest three billion, around 45% of the total, are currently responsible for 7% of carbon dioxide emissions, while the richest 7%, around half a billion, are responsible for 50% of emissions.

I will come back to that later. The lecture given by Mr Eberstadt is absolutely fundamental. He says:

Although few yet see it coming, we are about to enter a new period of human history. Call it "the era of depopulation". It is arriving quietly — catching most by surprise.

With birth rates plummeting all around the globe, more and more countries are moving into indefinite population decline, a phenomenon that will eventually encompass the entire planet.

What lies ahead is a world of shrinking and ageing societies. "Net mortality" — an excess of deaths over births — will be the new norm. With unrelenting super-low fertility, family structures and living arrangements previously imagined only in science fiction will become commonplace features of everyday life.

This is an enormous claim, but it is backed up by the data. I urge all members to look at population clocks and population figures. The lecture continues:

As a general rule of thumb, about 2.1 births per woman are required for long-term population replacement. Today, however, the overwhelming majority of the world's people live in countries with below-replacement fertility levels, patterns inherently incapable of sustaining long-term population stability.

The population of Japan, Korea and Greece are in total freefall. In actual fact, so is all of East Asia:

The entire region entered into depopulation in 2021. By 2022, every major country there was shrinking. Today fertility levels are 40 per cent below replacement in Japan, 50 per cent below replacement in China ...

China lost 3.5 million people last year, which is 0.5 per cent of its population. This is a phenomenon seen in East Asia, South-East Asia, Latin America, the Caribbean and eastern and western Europe. There is a massive decline

in fertility even in North Africa and the greater Middle East. What does this mean? How will we sustain ageing populations? How will we manage them? What does this mean for our action on climate change? The Intergovernmental Panel on Climate Change *Special Report on Emissions Scenarios* states:

Population projections are arguably the backbone of GHG emissions scenarios, and are comparable in some ways with them. Population projections cover timeframes of a century or more, and they involve social and economic considerations and uncertainties similar to those in GHG emissions scenarios.

...

We use the medium UN projections in the SRES emissions scenarios because they have greater recognition internationally, and garner considerable attention as evident from the press focus devoted to the 1996 Revision ...

They are using outdated data that projects continued population increase for 100 years and then a sustained population going forward. Eberstadt says a different thing. It is a massive issue for our economy. It is a matter I am going to raise with the Treasurer. I urge all members to avail themselves of Mr Eberstadt's lecture.

### FEE-FREE TAFE PROGRAM

**The Hon. PETER PRIMROSE (22:14):** After 12 long years under the previous Government, TAFE was left a shell of its former self, and the New South Wales Labor Government was left with the task of building up TAFE again. The work of Labor governments, State and Federal, building up TAFE over the past 18 months can already be seen. Labor recognises TAFE as an essential part of education in New South Wales. TAFE trains apprentices and trainees in a vast range of industries—from hair and beauty to construction, cooks and chefs, manufacturing, cybersecurity, care and support workers, and agriculture. TAFE provides pathways for people to retrain and develop new skills to move across industries, occupations and locations of work. It provides pathways for people to gain emerging and cutting-edge skills in their field. It provides opportunities for people to fill in gaps of knowledge, like improving numeracy and literacy. Right now, we are seeing what Fee-Free TAFE, which is a joint program with the Federal Labor Government, is achieving.

The Fee-Free TAFE program is important, as it reduces the barriers to training people in high-demand industries, and it helps to reduce existing skills shortages currently experienced across the State. Fee-Free TAFE has meant that 224,000 New South Wales residents are benefiting from that investment. Labor governments are interested in strengthening TAFE and ensuring that people across New South Wales can access quality education and develop the skills that they need. There are approximately 1,700 TAFE buildings throughout the State. They were left to ruin after 12 years of the New South Wales Liberal-Nationals Government. On the other hand, the New South Wales Labor Government is investing over \$190 million to undertake urgent repairs at TAFE NSW campuses across the State. That means buildings will be repaired, and reliable wi-fi will be available on regional campuses.

TAFE provides students with quality education, developing the necessary skills for becoming a skilled professional under expert supervision. For example, recently my research officer had her hair cut by first- and third-year apprentices at Tamworth TAFE. One of the apprentices had recently graduated high school, and the other was retraining as a hairdresser after more than 10 years in the public service. One apprentice was from Inverell and the other from Scone. Both travel and regularly stay in Tamworth to complete their apprenticeships. As the apprentices cut her hair, they were closely supervised by an experienced hairdresser, who watched over the students practising skills they had learnt and were developing new skills recently acquired. Being closely supervised by an expert in the field, the experienced hairdresser could intervene before a potential mistake could occur. By agreeing to let apprentices practise their skills, my research officer got a haircut, and the students gained more experience towards becoming skilled professionals. That is what TAFE is about. By the way, she really thought that the haircut was great.

### AUKUS AGREEMENT

**The Hon. NATASHA MACLAREN-JONES (22:17):** The AUKUS agreement is the most significant security pact that our country has entered into since ANZUS in 1951. For many, AUKUS symbolises a strong commitment to our shared democratic values and the protection of our way of life, especially in the context of our own region's evolving security dynamics. AUKUS is also a once-in-a-generation economic opportunity for New South Wales to deliver jobs and provide our industries with a major capability and capacity uplift—but only if the New South Wales Labor Government can seize the opportunity. Under the Liberal-Nationals Government, we established a robust defence industry. In fact, we now account for 40 per cent of Australia's defence and aerospace industry. We also represent \$12.5 billion in annual defence expenditure and 29 per cent of Australia's \$2 billion aircraft manufacturing and repair services exports. That is why we must continue to build upon and nurture new business opportunities to our State and take advantage of the economic growth that AUKUS can bring. However, the New South Wales Labor Government's sluggish response on AUKUS will lead to missed opportunities for our State.

Earlier this year the South Australian Premier urged New South Wales to step up and to ensure that we have the skills and industry required to build submarines in a short timeline. Furthermore, he argued that the scale of the opportunity and responsibility to build nuclear-powered submarines had not yet sunk in for New South Wales. South Australian efforts on AUKUS ensure that it will be well placed to grow its economy for decades to come. It is also establishing an office for AUKUS, a highly strategic investment that will help to open up avenues and opportunities for South Australian suppliers to compete for work on the AUKUS program. That office will oversee a joint effort between many State government agencies such as defence, science and innovation, infrastructure, education, transport and trade. The New South Wales Labor Government should be considering approaches to better coordinate relevant agencies focused on pursuing the pillars of AUKUS and opportunities for our State.

The first major initiative under AUKUS—Australia's acquisition of nuclear-powered submarines—is set to significantly bolster our defence capabilities and, as an island nation, those capabilities are essential in our region. Beyond enhancing our military strength, that initiative also presents substantial potential for job creation, skill development and technological advancement. New South Wales defence and other related industries currently face significant workforce skills shortages and, unless addressed now, we will struggle to acquire the advanced defence capabilities outlined in the AUKUS agreement. The demand for highly skilled workers in engineering, nuclear science, cybersecurity and advanced manufacturing will surge, offering new career opportunities and fostering a culture of innovation and expertise.

The collaboration between Australia, the United Kingdom and the United States will facilitate the transfer of cutting-edge technologies, particularly in fields of artificial intelligence, quantum computing and undersea capabilities. For New South Wales to fully participate in the AUKUS project, we need to further invest in infrastructure and support public-private partnerships that can drive innovation. This will ensure that the benefits of AUKUS are felt across the State, particularly in regions where new industries and jobs can be created and transform industries and local economies. For instance, by fostering collaboration between government, local businesses and academic institutions, we can create innovation hubs focusing on emerging technologies that are essential to the AUKUS agreement. Those hubs can stimulate the local economy, providing high-skill, high-wage jobs and attracting further investment into the region. They will benefit smaller businesses and startups, not just larger corporations.

By including provisions for local content and encouraging the participation of small and medium-sized enterprises in AUKUS-related projects, we can support the growth of local industries and ensure that the economic uplift from AUKUS is distributed more equitably across the State. When public entities partner with private companies, particularly those with global and cutting-edge expertise, it creates opportunities for local industry to gain access to new technologies and best practices. That enhances our domestic industries and can position New South Wales as a leader in high-tech fields on the global stage. AUKUS represents a significant opportunity for New South Wales to play a leading role in enhancing national security while driving economic growth and workforce development, ensuring we are a key contributor to this historic partnership.

## RELIGIOUS FREEDOM

**The Hon. TANIA MIHAILUK (22:22):** Sadly, the right to religious freedom is always under attack in Australia, particularly in recent years. New South Wales is also doing its part to further the assault. The attack is often insidiously disguised as an anti-discrimination effort and is being advanced not through brute force but by slow and steady legislative changes in our State that erode the ability of the faith-based institutions to exercise their faith. The latest installation of this attack on religious freedom is the review of the Anti-Discrimination Act 1977, or the ADA, currently being undertaken by the NSW Law Reform Commission under its chairperson, Tom Bathurst. I am not suggesting Tom Bathurst is attacking religious freedom. I remind the House that the review was commissioned by the Premier. It was an election promise. It was announced in July 2023 by the Attorney General, a mere four months after Labor won the State election.

The ADA review is not the only piece of legislation being weaponised against people of faith. Instead, we know it has been a three-pronged attack. The first was the Conversion Practices Ban Bill. The second was the equality bill, and the third will be the review of the ADA Act. I expect there will be plenty of amendments proposed by various groups within this House and the other Chamber that will attempt to erode, more and more, the limited religious rights we have in New South Wales.

A number of submissions have already been made to the review, and I encourage members to read them. The Catholic Diocese has put in a submission, and the Catholic Education Office has put in an equally excellent submission. I mention the excellent submission of the National Imams Council in particular. Bilal Rauf, whom I remember working with on a previous inquiry into religious freedom, has reminded the commission that religion is not a protected attribute in the ADA in New South Wales. The National Imams Council submission reminds this Government that in 2018 the then expert panel, headed by Philip Ruddock, also acknowledged that New South

Wales and South Australia are the only two States in Australia that do not protect religious rights. The only way our religious institutions and schools, for example, survive or are able to practise their faith, beliefs and traditions through their institutions is by having an exemption to the Act.

We know that Alex Greenwich withdrew 52 proposed amendments to the ADA to have his equality bill passed recently by the Labor Government. He stated that he was heartbroken at having to do that, but he was confident to some extent that it would all be coming back as the review into the ADA would be considered next year. This is a reminder to all of our religious institutions, organisations and schools—including the Catholic schools, which teach 265,000 students in New South Wales across 600 schools, and indeed the Islamic schools, Jewish schools and orthodox schools—that the fight for religious rights is not over. In fact, it is only about to begin. I expect this review will lead to some type of legislation.

When I asked Attorney General Michael Daley questions in budget estimates, he made clear that he understood that the commission would issue a consultation paper and from that, at some point, the Government would initiate legislation. I asked him whether he had looked into what Queensland Labor had done in commissioning the Human Rights Commission to undertake a similar review. Ultimately, Queensland Labor chose not to go ahead with the Human Rights Commission legislation because it was very controversial. I think NSW Labor needs to take note of what happened in Queensland, because Queensland Labor learnt the hard way by commissioning this review and ultimately losing much of the support of the Queensland people.

### LAW ENFORCEMENT LEGISLATION

**The Hon. STEPHEN LAWRENCE (22:27):** I speak tonight about one of the most important and often-used pieces of legislation in New South Wales, the Law Enforcement Powers and Responsibilities Act [LEPRA] 2002. The Act is 22 years old, and has in the main well and truly stood the test of time. It has been amended over the years to implement emerging policy choices of government, but the amendments that have been passed, in my view, leave untainted the integrity and coherence of the original Act. I would go so far as to say that LEPRA was a major achievement of the Carr Government. That is probably a somewhat obscure view, almost certainly a lawyer's view. That said, LEPRA has a more well-known origin story than most.

The Wood Royal Commission into the New South Wales Police Service recommended the consolidation of all police powers laws, a very proper accountability and democratic transparency suggestion. LEPRA achieved that, though it is not a code. It leaves alone common law powers and liabilities not inconsistent with the Act. There was, of course, a time when gross misconduct in the Police Force was exposed, shedding real light on the need to carefully strike the balance between police powers and human rights. The old cliché "You have nothing to fear if you haven't done anything wrong" rings particularly untrue when police have been shown to have systematically acted other than to uphold the law and protect citizens.

My favourite part of the Act—again, an obscure view, I am sure—is part 9, which represents a legislative response to a complex problem. Arrest was long considered to include a power to detain after arrest for investigation, but that was not expressly stated in arrest powers. They simply said a person could be arrested for the purpose of taking them to court. For years police extended the detention of arrested persons to interview them and conduct other investigations before taking them to court, but the High Court eventually declared that the police could not read into a law a power to detain a human being or extend detention because a human being has a fundamental right to be free. This flowed from the principle of legality. The assumption brought to bear was that, if the Parliament intended to interfere with a fundamental right, it would have said so expressly.

This is an assumption the courts apply, where applicable, to all the laws Parliament passes, not on the basis of a collective imputed intent we supposedly have—which is hard to discern on a good day—but nowadays on the basis that statutory interpretation is really just the application of a body of principles to a set of words. One of the principles is that express abrogation of certain significant rights and interests is needed to be effective. However, part 9 represents an attempt to address the practical reality that police often need time post arrest to detain a person further in order to investigate, including to interview the arrested person, and that allowing them to do so facilitates the course of justice and indeed will sometimes be to the benefit of the arrested person, who could be freed after giving an exculpatory interview.

In granting this power and others, including arrest and search, LEPRA imposes very significant restraints and protections, including those activated for vulnerable groups. These protections are difficult for police in many cases, but are exactly the sort of trade-off that a proper balancing of human rights and law enforcement imperatives sometimes requires. The Carr Government was a "tough on law and order" government. It dramatically increased incarceration rates and created a web of regulation and incarceration that I think, looking back on it, is shameful in some respects. For example, the driver licensing reforms changed many lives for the worst with no benefit to community safety. These types of supposedly tough on crime policies are often fool's gold and cause more crime and much social harm.

That said, the trend in this regard was clear under previous State governments and in other jurisdictions, including those overseas. I think there are complex reasons why, as politics converged in the west in so many ways, jailing became a bipartisan political obsession and the much harder conversation about real policies that actually work and reduce harm and crime was not had. However, LEPR shows that a government can walk and chew gum at the same time. LEPR is just one example of how the Carr Government might have got it wrong in some respects, like all governments, and existed in a national and international context, like all governments, that constrained the choices available. But in many respects it was also smart, principled and progressive when it came to the reform of important laws.

LEPR has been in operation for 20 years and there are some improvements that could be made. For example, first, a provision dealing with when true consent for a search exists and the law at the moment around so-called consensual searches is unclear and not human rights compliant; secondly, a provision that states arrest is a measure of last resort and a return to an objective test for when an arrest is reasonably necessary on a proper basis; thirdly, the insertion of express provisions dealing with the questioning of children and their entitlement to legal advice; and, fourthly, the clarification and simplification of when a caution does or does not have to be given, when the current law is unclear and in some ways inconsistent. All that said, it is still a good Act, and it is definitely one of my favourites in the statute book.

#### GALE MCCLEOD

**The Hon. MARK BUTTIGIEG (22:32):** I take this opportunity to congratulate Gale McCleod from Macksville hospital who is taking a well-deserved retirement after supporting her fellow Health Services Union [HSU] members for a very long time. Gale has been an active member of the HSU for 41 years. During that time, Gale has been a vital part of the Macksville hospital sub-branch, serving as secretary of the branch and giving her time and expertise whenever her fellow members needed a hand. She will be sorely missed. Gerard Hayes, the HSU secretary, was very pleased to catch up with Gale recently and congratulated her personally.

Union delegates and branch officials are the lifeblood of the union. They are the eyes and ears of what happens day to day in the workplace. They often serve their fellow workers with little need for thanks or praise. It is often unpaid extra work, but they do it in the service of the union and their fellow members because they think it is the right thing to do. Without them, a union would be nothing. Without workplace activists like Gale, the union would be nothing. It is very important that such people are acknowledged, particularly when they have given lifelong service to the union and have given so much of their time, expertise and effort. Once again, congratulations to Gale and the HSU.

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** The time for the adjournment debate has expired. The House now stands adjourned.

**The House adjourned at 22:34 until Thursday 14 November 2024 at 10:00.**