

# LEGISLATIVE COUNCIL

Wednesday 20 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.

## *Announcements*

### BICENTENARY CONCERT SERIES

#### CHOIR OF ST JAMES PERFORMANCE

**The PRESIDENT (10:01):** I advise members that from 12.45 p.m. today our final concert in the Bicentenary Concert Series for the year will be held. A talented quartet from the Sydney Conservatorium of Music will play a festive selection of songs, including *God Rest Ye Merry Gentlemen*, *Feliz Navidad* and *Frosty the Snowman*. All members are invited to attend and take a moment of respite and reflection during a busy sitting day.

I also put on everybody's agenda something perhaps even more special. Yesterday members received an invitation to see the Choir of St James perform Christmas carols in the Jubilee room at 5.00 p.m. on 2 December. Tickets cost about \$40 but include a glass of champagne, a couple of canapes and the opportunity to hear some of the most beautiful Christmas music. Tickets will go on sale to the public tomorrow, so members who are interested in attending should get their tickets today.

## *Documents*

### DARREN STAPLETON

#### Production of Documents: Order

**Ms SUE HIGGINSON (10:02):** I seek leave to amend private members' business item No. 1468 standing in my name on today's *Notice Paper* by omitting paragraph (a) and inserting instead:

- (a) all documents related to Darren Stapleton's disengagement from the NSW Police Force, complaint history, both complaints made by Mr Stapleton and against Mr Stapleton, and performance reviews through MyPerformance;

#### **Leave granted.**

**Ms SUE HIGGINSON:** Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 August 2020 in the possession, custody or control of the NSW Police Force, the Minister for Police and Counter-terrorism, and Minister for the Hunter, or the Attorney General relating to the employment of Darren Stapleton:

- (a) all documents related to Darren Stapleton's disengagement from the NSW Police Force, complaint history, both complaints made by Mr Stapleton and against Mr Stapleton, and performance reviews through MyPerformance;
- (b) all documents sent to or from:
  - (i) Gregory Thomas;
  - (ii) Ian Johnson;
  - (iii) Patrick Crass; and
  - (iv) Scott Parker.
- (c) 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.

#### **Motion agreed to.**

## *Business of the House*

### WITHDRAWAL OF BUSINESS

**The PRESIDENT:** I inform the House that Ms Sue Higginson has withdrawn the formal business request regarding private members' business item No. 1469 standing in her name on the *Notice Paper* regarding an order for papers.

*Motions***JACK FERGUSON**

**The Hon. CAMERON MURPHY (10:04):** I move:

That this House notes that:

- (a) on 10 November 2024 the Westmead branch of the Australian Labor Party hosted the seventh annual Jack Ferguson Memorial Lecture at Western Sydney University in Westmead;
- (b) the annual event is held to honour the life and legacy of Laurie John (Jack) Ferguson, a member of the Legislative Assembly from 1959 to 1984 who served eight years as Deputy Premier and Minister for Public Works and Ports in the Wran Government from 1976 to 1984;
- (c) the lecture in 2024 was delivered by the Hon. Paul Scully, MP, member for Wollongong, and Minister for Planning and Public Spaces, who spoke to Jack Ferguson's legacy in establishing the Land Commission, now Landcom, and how the Minns Labor Government is continuing the proud Labor legacy of bold housing reform; and
- (d) the event was very well attended by current and former members of Parliament the Hon. Anthony D'Adam, MLC, the Hon. Cameron Murphy, MLC, Ms Lynda Voltz, MP, member for Auburn, Ms Julia Finn, MP, member for Granville, Ms Donna Davis, MP, member for Parramatta, the Hon. Laurie Ferguson, OAM, former Federal member of Parliament for Reid and Werriwa, together with other distinguished guests, including many local councillors, mayors and members of the Ferguson family.

**Motion agreed to.**

**PARIS AGREEMENT NINTH ANNIVERSARY**

**The Hon. CAMERON MURPHY (10:04):** I move:

That this House notes that:

- (a) 12 November 2024 marked nine years since the adoption of the landmark Paris Agreement on climate change;
- (b) the Paris Agreement was adopted by Australia and 194 other signatories at the twenty-first United Nations Climate Change Conference in 2015;
- (c) under the Paris Agreement a majority of party nations have committed to reducing greenhouse gas emissions, with the dual objectives of limiting a global temperature increase to 1.5 degrees Celsius and ensuring it remains "well below" 2 degrees Celsius of preindustrial levels; and
- (d) the Paris Agreement was the first legally binding agreement on climate change and encompasses provisions for climate change mitigation, adaptation and finance.

**Motion agreed to.**

**UNITED NATIONS SEVENTY-NINTH ANNIVERSARY**

**The Hon. CAMERON MURPHY (10:05):** I move:

That this House notes that:

- (a) on 24 October 2024, the United Nations marked its seventy-ninth anniversary;
- (b) the United Nations was born in the aftermath of the Second World War and has since been instrumental in fostering global stability and cooperation;
- (c) the organisation has been dedicated to maintaining international peace and security, providing humanitarian assistance, protecting human rights and upholding international law;
- (d) the United Nations was originally founded by 51 member states and has since grown to encompass 193 states; and
- (e) Australia is a founding member of the United Nations and has been firmly committed to actively participating in and collaborating with the organisation.

**Motion agreed to.**

**HOMELESS WORLD CUP**

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

(1) That this House notes that:

- (a) in 2007 the Big Issue launched the Community Street Soccer program as a way for people to connect and improve their health and wellbeing through the power of sport;
- (b) in October 2024 the Hon. Mark Banasiak, MLC, had the pleasure of taking part in the inaugural NSW Community Street Cup match in Sydney alongside Nathan Hagarty, MP, Michael Kemp, MP, Majorie O'Neil, MP, Lynda Voltz, MP and Kylie Wilkinson, MP;
- (c) the Homeless World Cup is a football tournament that is the largest international event of its kind in the world;

- (d) this international event has the power to change the lives of participants and shape attitudes towards the global issue of homelessness using the universal language of football;
  - (e) Sydney is in the running to host the 2026 Homeless World Cup, which would position Sydney as a city leading the charge in addressing social issues through local and international engagement; and
  - (f) this world-class event would showcase New South Wales' state of the art sporting facilities, public transport, accommodation and local businesses by attracting thousands of participants and spectators, boosting tourism and generating economic activity in New South Wales.
- (2) That this House calls on the Government to support the bid for Sydney to host the Homeless World Cup in 2026 that will help build up community and create further connection through parallel competitions that businesses, schools and clubs can participate in.

**Motion agreed to.**

**RUGBY LEAGUE CULTURAL EXCHANGE**

**The Hon. STEPHEN LAWRENCE (10:06):** I move:

- (1) That this House notes that:
- (a) recently an under-13s rugby league cultural exchange was held between rugby league teams the Greenacre Tigers from Western Sydney and St John's from Dubbo;
  - (b) this included an exhibition match held 9 November at St John's College in Dubbo, which was attended by many community members and elected representatives Mayor Josh Black and the Hon. Stephen Lawrence;
  - (c) the boys had the opportunity to meet, socialise, play football and share food and culture;
  - (d) on the evening of 8 November the two teams attended a cultural event by the Macquarie Wambuul River in Dubbo where traditional Aboriginal dances by Dinawan Connections took place and all the boys had the opportunity to participate in the dancing;
  - (e) the St Johns Rugby League Club Facebook page records "there was a real energy of culture and positivity during the evening as the two teams from different backgrounds chatted, danced and then played touch footy together";
  - (f) after the match the Greenacre Tigers team provided a meal of authentic Lebanese cuisine;
  - (g) the Tigers boys are predominantly of Muslim faith from Lebanese and Arabic backgrounds, while St John's has strong links with Dubbo's Catholic community and has Aboriginal and non-Aboriginal players;
  - (h) while fielding some Aboriginal players, St John's is a predominantly non-Indigenous club with strong links to the Catholic community;
  - (i) Joe Williams, a former NRL player, Dubbo resident and a Wiradjuri/Wolgalu man helped organise the exchange, as did Billy Hussein, who operates Bodypunch Boxing Gym with his brothers Hussein "Hussy" Hussein, Maz and "Skinny" Hussein in Sydney;
  - (j) during his NRL career Joe Williams was trained by Billy Hussein; and
  - (k) a return trip with St John's attending Western Sydney next year is being planned.
- (2) That this House congratulates all involved for this positive grassroots community initiative that has connected boys from distant parts of the State and from different cultural and religious communities.

**Motion agreed to.**

**DUBBO REMEMBRANCE DAY CEREMONY**

**The Hon. STEPHEN LAWRENCE (10:06):** I move:

- (1) That this House notes that:
- (a) at 11.00 a.m. on 11 November 2024, a solemn ceremony was held at Victoria Park in Dubbo to honour Remembrance Day;
  - (b) the ceremony was organised as is customary by Dubbo Regional Council and the Dubbo RSL Sub-Branch;
  - (c) the event was well attended by veterans, including Dubbo RSL Sub-Branch president Shaun Graham and other community members and elected representatives, including Mayor Josh Black, Federal member for Parkes the Hon. Mark Coulton and the Hon. Stephen Lawrence; and
  - (d) two young Dubbo Christian School students, Amond Shadbolt and Holly Roennfeldt, won a competition to present their poems to the ceremony and did so perfectly.
- (2) That this House congratulates the Dubbo RSL Sub-Branch and Dubbo Regional Council for their ongoing dedication and commitment to Remembrance Day.
- (3) That this House acknowledges that:
- (a) research compiled by Macquarie Library records that 255 people from Dubbo were killed in World War I;

- (b) the War Memorials Register website maintained by the Government records, "The outbreak of war in August 1914 unleashed a huge wave of enthusiastic support for Britain. Like the rest of the nation, the Dubbo community united in support of Australia's role in the First World War. At a town meeting held days after the declaration of war in 1914, it was recorded that "Dubbo desires to express its unswerving loyalty to the King in the hour of crisis, and desires to do all that lies in its power to forward the interests of the Empire";
- (c) one of the men from Dubbo killed was Soldier Joe Cox, who is remembered by a plaque in Victoria Park, and the same website records Private Joseph Christopher Cox was typical of the many young men who signed up to serve in the First World War. A labourer from Dubbo, he enlisted just short of his twenty-seventh birthday and joined the 22nd Battalion. On 18 September 1917, Cox was killed along with six others when a German shell landed in his dugout at Westhoek Ridge during the Battle of Passchendaele in Belgium. His death is a reminder that, although "going over the top" and leaving the trenches to face the enemy was a dreadful experience for any soldier, the constant shelling by artillery was just as dangerous and just as deadly; and
- (d) in a letter home to his father, Joseph Cox's commanding officer wrote of his son's sacrifices and the grief of his loss: "I cannot find words in which to express to you my sympathy, but it might help to lessen the blow to tell you that he died nobly, doing his duty. Your boy was one of the best I have ever had in my platoon, and was a soldier through and through."

**Motion agreed to.**

**TOM CULLEN BRIDGE**

**The Hon. STEPHEN LAWRENCE (10:06):** I move:

- (1) That this House notes that:
  - (a) on 8 November 2024 a ceremony was held in Coonamble to mark the renaming of the Warrena Creek Bridge in memory of Tom Cullen, OAM;
  - (b) a large number of people attended, including family members of the late Tom Cullen, OAM, including his widow Anne Cullen, their children Alex, Jane, Tom and Andrew and their families, community members, council staff, former council staff, serving and former councillors and elected representatives, including Coonamble shire mayor Daniel Keady and the Hon. Stephen Lawrence;
  - (c) the late Tom Cullen, OAM, was the longest serving Coonamble Shire Council councillor having served for 36 years, twice as mayor and once as deputy mayor; and
  - (d) the late Tom Cullen was also a passionate member and supporter of the Labor Party and a former president of the Coonamble branch, and that, as noted by the Hon. Stephen Lawrence at the event, the reputation of Tom Cullen, OAM, within the Labor Party lives on.
- (2) That this House acknowledges the contribution Tom Cullen, OAM, made to the Coonamble community, thanks the Coonamble shire for naming a significant piece of community infrastructure after him and agrees that, as was said at the event by a speaker, "not everyone gets a bridge named after them".

**Motion agreed to.**

**CYPRUS COMMUNITY OF NSW YOUNG PROFESSIONALS EVENT**

**The Hon. MARK BUTTIGIEG (10:07):** I move:

- (1) That this House notes that:
  - (a) on 23 May 2024 the Cyprus Community of NSW, led by its president Michael Kyriakou, held a Sydney University Museum Night at the Chau Chak Wing Museum and the Hon. Mark Buttigieg, MLC, was honoured to attend and address the attendees representing the Minister for Multiculturalism, the Hon. Stephen Kamper, MP;
  - (b) the event offered the opportunity for young professionals of the Cyprus Community of NSW to meet NEPOMAK, a worldwide organisation connecting young people with Cypriot ancestry with an aim to promote and celebrate Cypriot culture and history; and
  - (c) young professionals attending the event were taken on a guided tour of the Cypriot and Greek items in the Chau Chak Wing Museum by Dr Craig Barker, an archaeologist and the Paphos Theatre Archaeological Project director, and the University of Sydney has been running the project since the 1990s offering an exciting opportunity for participants to discover more about Cyprus's ancient history by excavating the world heritage listed Nea Paphos Theatre and surrounding areas.
- (2) That this House acknowledges the important work of the Cyprus Community of NSW, NEPOMAK and the University of Sydney's Paphos Theatre Archaeological Project in promoting Cypriot culture and history.

**Motion agreed to.**

**DRESS FOR SUCCESS**

**The Hon. AILEEN MacDONALD (10:07):** I move:

- (1) That this House acknowledges the outstanding work of Dress for Success New South Wales and Australian Capital Territory, a not-for-profit organisation committed to empowering women to achieve financial independence and career success.

- (2) That this House notes that since its establishment in 2009 Dress for Success has supported more than 3,000 women annually through its branches in Sydney, Illawarra, and Newcastle-Hunter with a new branch to open in Western Sydney in 2025.
- (3) That this House recognises the vital services provided by Dress for Success, including:
  - (a) free professional attire through their styling services tailored to align with each woman's career goals;
  - (b) comprehensive career support services, such as resume assistance, interview coaching and practical workshops which build confidence and create a strong foundation for women entering or re-entering the workforce; and
  - (c) the Career Hub, an online platform which provides 24/7 access to career resources, tips and live workshops.
- (4) That this House notes the ongoing "Empower Her" campaign which aims to:
  - (a) provide essential resources at no cost to women in need, to ensure they have the confidence, skills and support to transform their lives through meaningful employment; and
  - (b) encourage members of the community to join the movement by donating, fundraising, and spreading support to women on their journey to financial independence.
- (5) That this House further notes that on 14 November the chief executive of Dress for Success, Sonia Casanova, and the chair of Dress for Success, Amanda Webb, held a morning tea here at Parliament House, hosted by the Hon. Aileen MacDonald, OAM, MLC, to raise awareness of the organisation and the "Empower Her" campaign.

**Motion agreed to.**

**INTERNATIONAL MEN'S DAY**

**The Hon. SUSAN CARTER (10:07): I move:**

- (1) This House notes that 19 November 2024 is International Men's Day and that:
  - (a) International Men's Day celebrates the positive value men bring to the world, their families and communities; and
  - (b) the theme for International Men's Day in 2024 is "Positive Male Role Models".
- (2) This House further notes that International Men's Day encourages men to teach the boys in their lives the values, character and responsibilities of being a man.
- (3) This House acknowledges the importance of positive male role models in our communities, families and especially for our young people, the important role that men play in addressing the problem of violence.
- (4) This House further notes that it is only when we all, both men and women, lead by example that we will create a fair and safe society that allows everyone the opportunity to prosper.

**Motion agreed to.**

**CLIMATE CHANGE PACIFIC YOUTH PANEL**

**Ms ABIGAIL BOYD (10:08): I move:**

- (1) That this House notes that:
  - (a) on 5 November 2024 the Edmund Rice Centre and Lane Cove Council hosted the "Youth panel: the Pacific on the frontline of climate change" at Lane Cove Library;
  - (b) the youth panel welcomed six youth climate leaders from the Pacific Islands nations of Kiribati and Tuvalu:
    - (i) Aselu Vaguna O'Brien;
    - (ii) Gitty Yee;
    - (iii) Marion Fuasou Mono;
    - (iv) Ms Miriam Moriati;
    - (v) Mr Rabwena Ieete; and
    - (vi) Robert Karoro.
  - (c) these youth climate leaders shared stories of resilience in the face of climate change and rising sea levels and its effects on their traditional homelands and way of life, and spoke about the future of atolls like Kiribati and Tuvalu, which are expected to become uninhabitable within the next 30 years, and also spoke about Australia's role in driving global emissions and called on Australia's leaders to cease mining coal and gas;
  - (d) the event also welcomed the delegation from the Kiribati Parliament including:
    - (i) the Hon. Ruth Cross Kwansing;
    - (ii) the Hon. Tessie Lambourne;
    - (iii) the Hon. Tauanei Marea;
    - (iv) Willie Kwansing;
    - (v) David Lambourne;

- (vi) Tekaura Tauanei;
  - (vii) Tierii Tokintekai; and
  - (viii) Kauae Been.
- (e) those in attendance included Ms Abigail Boyd, MLC, Lane Cove deputy mayor Bridget Kennedy, Lane Cove councillor Rochelle Flood, Lane Cove councillor Helena Greenwell, North Sydney councillor Angus Hoy and City of Ryde councillor Tina Kordrostami.
- (2) That this House commends the Edmund Rice Centre and Lane Cove Council for hosting an inspiring event that brought together youth climate leaders from across the world, community members and advocates.
- (3) That this House commends the youth climate leaders from Kiribati and Tuvalu for their passionate advocacy in fighting for climate action and climate justice.

**Motion agreed to.**

**CREATIVE SECTOR WORKFORCE REPORT**

**Ms ABIGAIL BOYD (10:08):** I move:

- (1) That this House notes that according to new research in the report *Making it in Sydney: Actions to provide more creative production space*, published by urban policy think tank Committee for Sydney in November 2024:
- (a) Sydney is home to Australia's highest concentration of cultural production workers at 37 per cent; however, it is losing its creative workers at four times the national rate;
  - (b) the City of Sydney local government area has lost nearly 30 per cent of its creative workspace in the last decade, despite overall floorspace surging by 15 per cent;
  - (c) the declining loss of creative workspace is a driving factor in the declining workforce, as the two issues are interconnected;
  - (d) creatives are struggling under the housing unaffordability and cost of living crises, spending over 60 per cent of their income on rent, and this figure has nearly doubled since 2008;
  - (e) the cultural and creative industries are in a time of great policy reform and action, with Federal, State and local governments resetting their approaches to culture and creativity, and continued reform and action that addresses the diverse challenges faced by these workforces is critical;
  - (f) as Sydney grows, with historic investment in urban renewal, it is vital we ensure its neighbourhoods, both new and old, maintain their creative energy; and
  - (g) these concerning implications extend beyond creative expression, impacting local communities, jobs, and tourism and investment.
- (2) That this House notes the following recommendations from the Committee for Sydney report which are directed toward the Government as the proposed lead:
- (a) assess and document the economic and social value benefit of creative workspace, so proponents and government can make informed decisions about provision or retention of creative workspace;
  - (b) develop a design guide for creative spaces in Sydney to enable local governments, educational institutions, property owners and development teams to understand how to design and/or manage these spaces;
  - (c) conduct a creative workspace census of Greater Sydney;
  - (d) develop a clear needs assessment for creative workspaces;
  - (e) apply "no net loss" planning directions to creative floorspace;
  - (f) relax planning limitations on creative industries;
  - (g) review whether contribution mechanisms are fit for purpose for creative workspace provision;
  - (h) make it easy for councils to insert clauses in LEPs to allow planning bonuses where developers provide creative workspaces;
  - (i) require creative workspace to be provided within strategic precincts;
  - (j) review cultural grants and other support available to creative workspace operators to ensure they are fit for purpose; and
  - (k) establish a program to support existing and potential operators.
- (3) That this House calls on the Government to commit to supporting Sydney's cultural and creative industries workforce by protecting existing workspaces and making more space for creative work, as well as by addressing the diverse challenges faced by those in the sector, including cost-of-living pressures and chronically unaffordable housing.

**Motion agreed to.**

**MINERALS COUNCIL PARLIAMENTARY DINNER**

**The Hon. RACHEL MERTON (10:09):** I move:

- (1) That this House recognises the annual parliamentary dinner of the NSW Minerals Council as a key event for the mining industry in New South Wales.
- (2) That this House acknowledges the NSW Minerals Council, led by CEO Stephen Galilee and chair Stefanie Loader, for its efforts in organising the 2024 annual parliamentary dinner held on Thursday 24 October 2024 at the Parliament of New South Wales.
- (3) That this House recognises attendees of the annual event including members of Parliament, Ministers, Government representatives and leaders from the New South Wales mining industry.
- (4) That this House congratulates Keryn Zambrowski of Whitehaven Coal on being named the 2024 Exceptional Woman in New South Wales mining.

**Motion agreed to.**

**CHILDREN'S BOOK COUNCIL**

**The Hon. RACHEL MERTON (10:09):** I move:

- (1) That this House notes that:
  - (a) books are a fundamental building block for lifelong learning and early literacy skills;
  - (b) books encourage focus, mindfulness and expand children's creativity; and
  - (c) books provide a learning environment with fewer distractions than social media.
- (2) That this House recognises the crucial work done by the Children's Book Council of Australia [CBCA] New South Wales branch, a volunteer-run organisation enriching young lives through Australian literature.
- (3) That this House congratulates the CBCA New South Wales on its well-known initiatives including Children's Book Week and the Children's Book of the Year Awards.
- (4) That this House recognises the CBCA New South Wales on its upcoming eightieth anniversary, a testament to its long and important literary service in Australia.

**Motion agreed to.**

**COMPANION ANIMALS**

**The Hon. EMMA HURST (10:09):** I move:

- (1) That this House notes that:
  - (a) animals are not gifts, and irresponsible decisions to purchase a puppy or kitten as a Christmas gift often lead to animals being abandoned or surrendered after the festive season;
  - (b) the Christmas time demand for puppies and kittens also creates a lucrative market for backyard breeders, pet shops and puppy farmers, meaning that impulse buying is not only putting individual animals' lives at risk, but also supporting cruel industry breeding practices;
  - (c) pounds and rescue organisations, which are already at a crisis point and operating over capacity, are often faced with an influx after Christmas when people realise they are not willing or capable of raising these animals;
  - (d) there is no justification for anyone to be contributing to the overpopulation of companion animals in New South Wales, which is leading to thousands of animals being killed in council pounds each year.
- (2) That this House calls on anyone considering bringing an animal into their home this Christmas to take the decision seriously, ensuring everyone involved knows that an animal is for life, and to "adopt, not shop" and save a life.
- (3) That this House calls on the Government to take urgent action to address the oversupply of companion animals in New South Wales, including addressing backyard breeding.

**Motion agreed to.**

**DEEPAVALI**

**The Hon. SCOTT FARLOW (10:10):** I move:

- (1) That this House notes that:
  - (a) Deepavali, also known as Diwali, is a five-day festival that celebrates the victory of light over darkness and is one of the most celebrated festivals in the Hindu, Sikh and Jain communities of New South Wales; and
  - (b) Gurunanak's birthday is a Sikh festival that celebrates the birth of Guru Nanak Dev Ji, the first Sikh guru, taking place on the full moon day of the lunar month of Kartik in the Vikram Samvat calendar and is celebrated with prayers, communal meals, processions, and community service.
- (2) That this House notes:
  - (a) the valuable work of the Sri Om Foundation over the last 18 years in promoting interfaith, understanding, peace and harmony in New South Wales through familiar food, music, cultural celebrations and language; and

- (b) Sri Om Foundation's commitment to community service, education and culturally specific care to the elderly, with over 900 seniors per month across five centres, along with more than 200 seniors receiving care at home.
- (3) That this House notes that:
  - (a) on Saturday 16 November 2024 at Harvey Lowe Pavilion, Castle Hill, the Sri Om foundation held a reception to celebrate Deepavali and Gurunanak's birthday;
  - (b) the celebration included cultural programs, workshops for seniors, promotional activities and a light fireworks display;
  - (c) the event was attended by a diverse array of the New South Wales community, including the following dignitaries:
    - (i) the Hon. Scott Farlow, MLC;
    - (ii) Mr Mark Coure, MP, member for Oatley;
    - (iii) Mr Mark Hodges, MP, member for Castle Hill;
    - (iv) Dr Michelle Byrne, mayor of the Hills Shire Council;
    - (v) Councillor Sameer Pandey, City of Parramatta Council;
    - (vi) Councillor Reena Jethi, the Hills Shire Council;
    - (vii) Councillor Frank Di Masi, the Hills Shire Council;
    - (viii) Councillor Barbara Ward, Ku-ring-gai Council; and
    - (ix) Jay Raman, OAM, vice-president, Sri Om Foundation.

**Motion agreed to.**

**HUME COMMUNITY HOUSING**

**The Hon. SCOTT FARLOW (10:10):** I move:

- (1) That this House notes that Hume Community Housing recently celebrated its thirtieth anniversary of providing safe, affordable and sustainable housing to individuals and families across New South Wales.
- (2) That this House commends the dedication of Hume Community Housing's leadership, staff and volunteers who work to ensure the provision of high-quality housing and holistic support services tailored to the needs of their diverse tenant base.
- (3) That this House congratulates Hume Community Housing on reaching this significant milestone, reflecting its growth from a small housing provider to a trusted leader in the community housing sector.
- (4) That this House notes that:
  - (a) Hume Community Housing celebrated its thirtieth anniversary with a commemorative event at Parramatta Town Hall on Friday 15 November 2024;
  - (b) this event was attended by a diverse range of stakeholders in community housing, including:
    - (i) the Hon. Scott Farlow, MLC, shadow Minister for Planning and Public Spaces, and shadow Minister for Housing;
    - (ii) the Hon. Rob Stokes, Chair, Faith Housing Alliance;
    - (iii) Ms Rebecca Pinkstone, Chief Executive Officer, Homes NSW;
    - (iv) Aunty Julie Jones Webb, Chair, Dharug Strategic Management Group;
    - (v) Mr True Swain, Chair, Hume Community Housing;
    - (vi) Mr Brad Brathwaite, Chief Executive Officer, Hume Community Housing;
    - (vii) Mr Bob Vine, Patron, Hume Community Housing;
    - (viii) Mr Andrew Hoyne, Managing Director, Hoyne Advisory; and
    - (ix) Mr Charles Daoud, Director, Traders in Purple.

**Motion agreed to.**

**GLOBAL FEDERATION OF CHINESE BUSINESS WOMEN**

**The Hon. SCOTT FARLOW (10:10):** I move:

- (1) That this House notes that:
  - (a) the Global Federation of Chinese Business Women [GFCBW] is an internationally renowned business association with chapters in over 70 countries, 80 regional chapters and more than 1,000 members worldwide;
  - (b) the GFCBW engages in ongoing efforts to empowering women in business, facilitating international collaboration, whilst contributing to the multicultural fabric of New South Wales;

- (c) the Sydney chapter of GFCBW was established in August 2022 with a mission to "Envision the world, embrace the trend, establish networks and develop economy and trade"; and
  - (d) the Sydney chapter focuses on strengthening ties between Australia and Taiwan and promoting trade and cultural exchanges between Sydney and Taipei.
- (2) That this House notes that:
- (a) GFCBW Sydney chapter celebrated its second anniversary gala dinner and changeover celebration on Friday 8 November 2024 at the Castlereagh Boutique Hotel, Sydney;
  - (b) The event was attended by a diverse array of individuals, including the following dignitaries:
    - (i) the Hon. Scott Farlow, MLC;
    - (ii) Mr Tim James, MP, member for Willoughby;
    - (iii) the Hon. Jacqui Munro, MLC;
    - (iv) the Hon. Anthony Roberts, MP, member for Lane Cove, Chair of NSW Parliamentary Taiwan Friendship Group;
    - (v) Councillor Barbara Ward, Ku-ring-gai Council;
    - (vi) Councillor Michelle Chuang, Willoughby City Council;
    - (vii) Mrs Phoebe Alexander, Founding President, GFCBW;
    - (viii) Mrs Ching-Mei Maddock, President, GFCBW; and
    - (ix) Mr John Toigo, Chairman, Australia-Taiwan Business Council.

**Motion agreed to.**

**REPUBLIC OF KOREA NATIONAL FOUNDATION DAY**

**The Hon. SCOTT FARLOW (10:11):** I move:

- (1) That this House notes that:
- (a) Gaecheonjeol, also known as National Foundation Day, is celebrated in the Republic of Korea on 3 October annually, and celebrates the formation of the first Korean State of Gojoseon in 2333 BC;
  - (b) the Republic of Korea was Australia's third largest export market and fourth largest trading partner, forming 6.5 per cent of Australia's total trade at a valuation of \$68.7 billion;
  - (c) New South Wales is home to 72,476 people with Korean ancestry, including 53,046 people who were born in the Republic of Korea, according to the 2021 census; and
  - (d) Korean culture is a significant addition to the vibrant, diverse, multicultural fabric of our multicultural society and establishes greater understanding and people to people links between New South Wales and the Republic of Korea.
- (2) That this House notes that:
- (a) on Tuesday 5 November 2024, the Consul-General of the Republic of Korea, Mr Yong Jun Choi, and Mrs Eun Young Jo held a reception on the occasion of the Korean national day celebration at the Royal Motor Yacht Club NSW; and
  - (b) the event was attended by many individuals representing a diverse array of the New South Wales community, including the following dignitaries:
    - (i) Her Excellency the Hon. Margaret Beazley, AC, KC, Governor of New South Wales, and Mr Wilson;
    - (ii) Colonel Michael Miller, LVO, RFD, Official Secretary to the Governor of New South Wales;
    - (iii) the Hon. Chris Rath, MLC;
    - (iv) the Hon. Susan Carter, MLC;
    - (v) the Hon. Scott Farlow, MLC;
    - (vi) the Hon. Natasha Maclaren-Jones, MLC;
    - (vii) Mr Jason Yat-Sen Li, MP, member for Strathfield;
    - (viii) Mr Mark Coure, MP, member for Oatley;
    - (ix) Mr Jordan Lane, MP, member for Ryde;
    - (x) Mr Matt Cross, MP, member for Davidson;
    - (xi) Councillor Hye Young Kim, President of the Australian Korean Association of Sydney and New South Wales;
    - (xii) Councillor John-Paul Baladi, Mayor of Strathfield;
    - (xiii) Councillor Daniel Han, City of Ryde Council; and

(xiv) Councillor Robert Kok, City of Sydney Council.

**Motion agreed to.**

**DIWALI FESTIVAL OF LIGHTS**

**The Hon. SCOTT FARLOW (10:11):** I move:

- (1) That this House notes that:
  - (a) Diwali, also known as the Festival of Lights, is a significant cultural and spiritual celebration observed by Hindu communities worldwide, symbolizing the triumph of light over darkness, good over evil, and knowledge over ignorance;
  - (b) in 2024 Diwali was celebrated on Thursday 31 October, with festivities commencing days earlier and continuing thereafter, bringing together communities to honour its spiritual and cultural meanings;
  - (c) the celebration of Diwali in New South Wales demonstrates the State's commitment to multiculturalism and its recognition of the diverse faiths and traditions that enrich the social fabric of our society; and
  - (d) the significance of events such as Diwali in fostering greater understanding and harmony among diverse communities across the State.
- (2) That this House notes that:
  - (a) the inaugural Premier's Deepavali dinner was hosted by the Hindu Council of Australia on Wednesday 30 October 2024 at Waterview in Bicentennial Park, Sydney Olympic Park;
  - (b) the Deepavali dinner is a significant celebration of the Hindu festival of lights, which symbolizes the triumph of light over darkness, knowledge over ignorance, and good over evil;
  - (c) the event highlighted the vibrant traditions and cultural heritage of the Hindu community, the rich multiculturalism of New South Wales and its inclusivity in embracing diverse cultures and traditions; and
  - (d) attendees enjoyed a variety of cultural performances, traditional cuisine and ceremonies reflecting the depth of Hindu culture and its integration within the broader Australian community.
- (3) That this House notes that the event was attended by a diverse array of individuals, including the following dignitaries:
  - (a) the Hon. Prue Car MP, Deputy Premier of New South Wales, Minister for Education and Early Learning, and Minister for Western Sydney;
  - (b) the Hon. Scott Farlow, MLC;
  - (c) Mr Nathan Hagarty, MP, Government Whip in the Legislative Assembly, member for Leppington;
  - (d) Mrs Donna Davis, MP, member for Parramatta; and
  - (e) Mr Warren Kirby, MP, member for Riverstone.

**Motion agreed to.**

**TRIBUTE TO FABIAN LO SCHIAVO**

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (10:11):** I move:

- (1) That this House celebrates the life and contribution of Fabian Lo Schiavo and notes:
  - (a) Fabian was a long-time activist for queer rights, marching in the first Mardi Gras in 1978 and founded the gay protest movement, the Sisters of Perpetual Indulgence;
  - (b) Fabian is a survivor of gay conversion therapy and went on to live a life where he was authentically himself and fought passionately for the rights of others to live as their true selves too;
  - (c) Fabian also fought for the rights of women to access health care by intervening at reproductive healthcare clinics to ensure women had safe access to abortion and reproductive health care;
  - (d) as an activist Fabian also fought for the rights of women sex workers, drug users, archivists and the State Records Office and fought for peace and supported international solidarity movements;
  - (e) Fabian maintained his Anglican faith and used his connection with faith groups to advance the cause of gay and queer rights in Australia; and
  - (f) Fabian founded AngGays, the fourth ever lesbian and gay religious group in Sydney and always attended his weekly mass at St Luke's Anglican Church in Enmore.
- (2) That this House recognises that Fabian played a critical role in the AIDS crisis in Sydney where he as Mother Inferior and the Sisters conducted safe sex programs for gay men, drug users and sex workers whilst also providing support for those diagnosed with AIDS.
- (3) This House sends its sincere condolences to the many people who loved Fabian including his brother, Marco, sisters Francesca, Victoria and Martina and their children and niece Georgia.

**Motion agreed to.**

*Documents*

### **TABLING OF PAPERS**

**The Hon. JOHN GRAHAM:** I table a document entitled *Premier's Department: Local Small Commitments Allocation Program: Proactive release of documents*, dated 11 November 2024.

*Visitors*

### **VISITORS**

**The PRESIDENT:** I acknowledge the presence in the President's gallery of Tayla Green-Aldridge, an intern working with the committee office. Tayla is undertaking an internship with the Parliament until mid-February 2025 and is supported by CareerTrackers, an organisation that supports First Nations university students and links them with employers to participate in paid multi-year internships. Tayla is very welcome indeed.

*Bills*

### **CRIMES AMENDMENT (OBSTRUCTING A RAILWAY) BILL 2024**

#### **First Reading**

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

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

**Statement of public interest tabled.**

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

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

**Motion agreed to.**

*Business of the House*

### **POSTPONEMENT OF BUSINESS**

**Ms CATE FAEHRMANN:** I postpone business of the House notice of motion No. 2 until the next sitting day.

### **SUSPENSION OF STANDING AND SESSIONAL ORDERS: HARD ADJOURNMENT**

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (10:26):** I move:

That Standing Order 34 relating to the hard adjournment at 10.00 p.m. be suspended for Thursday 21 November 2024 only.

I have a confession to make: I have failed in my duty to put this motion as formal business. I apologise that this will take a little bit of time, but it will be very short. This is a straightforward motion about finalising the business for the end of the year. There are eight bills and three second reading debates to deal with tomorrow, so I seek the support of the House to lift the hard adjournment. If everyone is brief in their contributions tomorrow then we will not go too late, but I seek to lift the hard adjournment so we can get through the order of business listed.

**The Hon. DAMIEN TUDEHOPE (10:26):** The Opposition will not oppose the motion, although we reiterate that the tendency of the Government to seek to lift the hard adjournment is not in the best interests of the members of this place nor the orderly conduct of debate about matters that the Government wants to have approved or debated before the end of this year. We accept the contention from the Leader of the Government that submissions should be brief to ensure that members are not here until three o'clock or four o'clock in the morning, which would leave them having to drive home or find some other way to get home because they will not be able to catch a train. They may have families to look after.

In the circumstances, I accept the admonition from the Leader of the Government about the length of contributions, but I have a suggestion for her to potentially adopt. If some matters are not entirely urgent for the

proper conduct of the Government's business and could be delayed until next year, I suggest that consideration be given to delaying those matters for further debate early next year rather than having members debate them at a very late hour on Thursday. If a matter is urgent, we understand the Government's desire to have that debate concluded. However, it would be inappropriate to consider non-urgent matters in the early hours of Friday morning. With those words, I indicate that the Opposition will not oppose the Government's motion; however, I place on record that we have serious objections to the continued lifting of the hard adjournment.

**Ms ABIGAIL BOYD (10:28):** I share the Opposition's concerns that the suspension of the hard adjournment keeps happening. The Greens feel strongly about work, health and safety, not just when it comes to members, but also when it comes to members' staff and all the Clerks, attendants and parliamentary staff who have to work when the House sits past 10.30 p.m. It is not fair. The Government and the Government alone controls the schedule of Government business, how and when that business is brought before the House, and how it is managed. When we have to move to lift the hard adjournment because those bills have not been introduced in time for proper debate, that is the sole responsibility and failure of the Government. It is a very offensive threat from the Government to say, "I hope you will keep everything brief. If you don't keep things brief, and if you don't rush through all the bills that we've left to the last minute, or apply the proper scrutiny and do your job, we'll get out of here quicker." It is unacceptable that, every six months, members are forced to hurry through really important legislation. It is a tactic by this Government, and it has to stop.

**The Hon. EMMA HURST (10:30):** I do not object to the motion to suspend the hard adjournment today; however, I lend my support to the concerns raised by both The Greens and the Opposition. I add to the matter of the danger to people driving home late at night that many members in this Chamber also have an inquiry on Friday. Members of the crossbench do not have the opportunity to pair out, which is important if members will be in the Chamber until 3.00 a.m. on Friday. At least two crossbenchers have return to Parliament by 8.30 a.m. as deputy chair and chair of an inquiry. I do not know how we will do that on two to three hours of sleep after a very busy sitting week. It is not fair to the people coming to give evidence, or to the committee staff who have put that inquiry together. It is also extremely dangerous to be driving to Parliament after two to three hours of sleep.

That also applies to other staff within Parliament who are in the same circumstances of being unable to sub out. I raise that with the Government because it is an ongoing issue that members have spoken about multiple times in the Chamber. While there is collective agreement to lift the hard adjournment, I also give weight to the suggestion from the Hon. Damien Tudehope that non-urgent matters, such as second readings, be postponed until next year, and that members deal with the urgent bills. We recognise that some bills are controversial and will require debate, but we do not want to keep members in the Chamber extremely late, given the danger of people having to drive and the exhaustion of members and the parliamentary team.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (10:32):** In reply: I appreciate the agreement of the House to lift the hard adjournment. The points about how the Government manages its business are well made. The Government has made some changes this year that have allowed it to spread out its business more evenly. I think that will now settle down, but I hear what members are saying. There is no suggestion that members cannot speak on or deal with issues in debate. At various points and for various reasons, all members can take a very long time on bills, which is ultimately a matter for them. My intention is not to sit the House through the night, but the Government wishes to go through and get in train a number of bills. We will endeavour to do that without taking up a large amount of time. I thank the House for the comments. I understand what members are saying. I have no desire to sit here until 3.00 a.m., but unfortunately that is sometimes required. Hopefully it will not be required tomorrow.

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

**Motion agreed to.**

#### *Bills*

### **CRIMES AMENDMENT (ANIMAL SEXUAL ABUSE) BILL 2024**

#### **First Reading**

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

#### **Second Reading Speech**

**The Hon. EMMA HURST (10:34):** I move:

That this bill be now read a second time.

The Crimes Amendment (Animal Sexual Abuse) Bill 2024 deals with a topic that no-one wants to talk about. I start by giving members, their staff, the parliamentary team and anyone else listening a trigger warning that the

bill is about the distressing subject matter of animal sexual abuse. It is hard to believe that it happens. For that reason, many are quick to dismiss it. The hard truth is that it not only happens but is far more common than any of us would like to believe. It is disturbingly easy to look at the media and find examples of recent charges and convictions of animal sexual abuse, both in New South Wales and interstate. While nobody really wants to talk about those laws, it is important that we get them right. Animals are victims in their own right in those instances of cruelty. They are particularly vulnerable because they will never be able to speak out against what happens to them. Animal sexual abuse is also linked to child sexual abuse, which, as a former psychologist, I have spoken about many times in the House.

In September this year two men were charged with offences of child sexual assault and bestiality. That followed an investigation by detectives from the Sex Crimes Squad, which looked into the production and supply of animal sexual abuse material in Sydney. They identified an online group chat in which members allegedly discussed and shared animal sexual abuse and child sexual abuse material. Two men were arrested and charged with bestiality and possession of child abuse material. In fact, as recently as March 2024, there were nine individuals incarcerated in New South Wales for child abuse related offences who had also been convicted of bestiality related offences. According to the Bureau of Crime Statistics and Research, there were 139 recorded incidents of bestiality in New South Wales between 2000 and 2020. That is bad enough, but considering how difficult it is to identify and investigate animal sexual abuse, the true number of cases must be much higher. That is only in New South Wales.

Earlier this year, on 1 May, media headlines stated that the worst known animal sexual abuser in New South Wales had been arrested: a 38-year-old man who had produced and disseminated content depicting the sexual abuse of dogs, sheep, goats, chickens and a dead kangaroo. He used the pseudonym "Beast Boy" to distribute footage online of his animal victims being sexually abused. He was believed to be one of the biggest self-producers of animal sexual abuse material in New South Wales, or at least the biggest self-producer that we know about. Like many crimes against animals, animal sexual abuse almost always happens on private property, behind closed doors. It takes enormous coordination efforts from police and child protection authorities, both locally and overseas, to track down and identify perpetrators of animal sexual abuse who end up sharing footage online.

Astoundingly, sharing animal abuse material only became an offence in 2021, when I amended the Crimes Act to that effect. Before then, it was not illegal to produce and share bestiality material in New South Wales. Sadly, our State remains one of very few where that distribution offence exists. As disturbing as it is, authorities have reported a recent spike in animal sexual abuse cases, or at least a spike in the detection of those cases. Perpetrators of animal sexual abuse include people of all ages, sexes and backgrounds. There are people with zoophilia, a paraphilia or sexual fixation on non-human animals. There are rings of people engaging in several divergent sexual behaviours. There are recorded displays of animal sexual abuse, committed against all kinds of animals, that are shared online. Then, of course, there are private acts of abuse that go unrecorded. There are people with no identified zoophilia who partake for other reasons, whether it is coercive, sadistic or simply a result of being born into a society that does not value animals.

Human beings who sexually abuse animals are a danger to animals, children and adults alike. This is both a human and animal rights issue. It is well studied that people who commit animal cruelty are more likely to move on to or already partake in violence against other humans. We also know that some of the worst perpetrators of human-on-human crimes, including serial killers, have begun their patterns of behaviour with acts against animals. The link between animal sadism and violence against humans is an important warning sign. When it comes to patterns of sexual assault, research shows that those who sexually abuse animals are more likely to sexually abuse humans. Studies also report that animal sexual abuse is comorbid with other coercive and violent behaviours such as assault, torture and necrophilia.

It is often the case in criminal investigations that child sexual abuse materials are found alongside animal sexual abuse materials. In the case of "Beast Boy" in New South Wales, the offending animal sexual abuse behaviour—which was published online—only came to light because of Strike Force Trawler, an ongoing investigation by the NSW Police Force Child Exploitation Internet Unit. In addition to several counts of bestiality and distribution of bestiality materials, Beast Boy was charged with the possession of child abuse materials and using a carriage service to access and solicit child abuse material.

Those that commit acts of animal sexual abuse will often find employment where they have access to vulnerable animals. Earlier this year, ABC's *7.30* exposed shocking footage from inside a piggery in Victoria. The footage showed the routine violence and cruelty that is standard practice in agribusiness, but it also captured an illegal act where a male employee sexually penetrated a female pig in a sow stall. She was confined and unable to move, let alone escape. The statistics regarding people's likelihood of having sexual interactions with animals used in farming are devastatingly high.

The public response to this incident was nothing short of outrage, and that speaks to another harm of animal sexual abuse. The number of emails and calls my office has received in response to this and other reports of animal sexual abuse shows the traumatic impact this kind of offending has on the general public. This was and continues to be the case in the high-profile trial and conviction of Adam Britton. Britton was a zoologist and crocodile expert in the Northern Territory who used Gumtree to source dogs for free by convincing people that their beloved companion was going to a good home, only to take the animals to what he referred to as his "torture room", where he would film himself torturing and sexually assaulting his victims. The animals were often killed, and there is speculation their bodies were fed to a crocodile kept on Britton's property. It will come as no surprise that Adam Britton was charged with possession of child abuse material as well.

Britton's torture and sexual abuse offences were so grotesque that the Chief Justice of the Northern Territory took the extraordinary step of excusing security officers and sheriffs from the courtroom during the hearing, as he was concerned that hearing details of the offences had the potential to cause nervous shock. I have lost sleep over this case, as has my team, as have the dozens and dozens of people who contacted my office about the case. It is truly shocking.

An unbearable thought about this case is that it is not an isolated incident. Britton was sharing footage and instructions to a following of people online, providing guidance on how they too could obtain animals and perform those monstrous acts themselves. It is an unforgivable injustice that Adam Britton will not face charges for sharing the footage, as there was no distribution offence in the Northern Territory. Likewise, the people across Australia and overseas who downloaded his footage for their own perverse gratification will likely go uncharged as well. Those kinds of cases highlight why we so desperately need nationwide reform. We need consistent, hard-hitting and fail-proof legislation.

The Animal Justice Party has already strengthened laws in New South Wales by banning the possession, production and distribution of bestiality materials, introducing automatic lifetime animal bans for anybody convicted of bestiality and ensuring that interstate bestiality convictions are recognised in New South Wales. Anywhere else, offenders can immediately return to work with animals or become the primary carers for other animals. I thank members of this place who helped us pass those very important reforms. There has been a history of bipartisan support on this issue and a recognition of how important it is that laws in this space are strong enough to protect victims.

But while our laws in New South Wales are stronger than those in most other jurisdictions, there is still work to be done. I have been contacted by experts involved in the prosecution of bestiality cases who have concerns that there are weaknesses and gaps in the current legislation and that people charged with the offence of bestiality may be escaping conviction as a result. While there are already offences of bestiality and attempted bestiality in the Crimes Act, the problem arises in relation to the interpretation of those offences. There is no definition of bestiality in the Crimes Act, which means the courts must look to the common law. The guiding precedent on bestiality is drawn from very old cases which held that bestiality would include any form of penetration or sexual intercourse. The focus on intercourse has a very limiting effect on what constitutes bestiality. The risk with that limited interpretation is that certain very clear acts of sexual violation may not be covered by the existing New South Wales offence of bestiality.

Sexual abuse can take many forms, and it is entirely inadequate to limit the scope of bestiality to acts of penetration or intercourse. Other acts of animal sexual abuse—such as where the human performs an oral sex act on an animal, or forces the animal to perform an oral sex act on a human, or forces or induces an animal to touch the human's genitals in a sexual manner—are equally abhorrent. There is no evidence to suggest that the link between animal sexual abuse and child sexual abuse material is limited to acts of penetrative abuse or intercourse only. In fact, the narrow interpretation of the law could allow dangerous criminals to avoid prosecution, enabling them to remain at large in the community and putting other animals and children in the community at risk. The general societal understanding of sexual abuse is not being reflected in the current interpretation of the Act and must be updated to protect victims of such abuse.

I now outline the provisions in the bill. There are several key reforms, and each is straightforward and necessary. I begin with the terminology. Currently, the Crimes Act refers to the offences of bestiality and attempted bestiality. The bill seeks to replace any reference to the term "bestiality" in the Act with the term "animal sexual abuse". That is based on feedback from stakeholders, including prosecutors and criminal lawyers, who identify that the term "bestiality" fails to acknowledge the victims of the crime. Bestiality implies an adverse behaviour by humans; it does not reference the animals who have been subjected to the behaviour and suffered a violation as a result, whether or not there is physical injury.

Overseas, in the United States and the United Kingdom, for example, there has been a push to modernise bestiality offences by instead using the term "animal sexual abuse". It simply calls the offence what it is. It acknowledges the impact of these actions on animals and also brings the name into line with other sexual offences

under the Crimes Act. It also makes it abundantly clear that we are moving away from the restrictive common law interpretation of bestiality towards a more comprehensive definition of animal sexual abuse.

The new section 79AA introduces a definition of animal sexual abuse. As I mentioned, bestiality is not currently defined in New South Wales, and we have heard that courts tend to apply a common law interpretation of the term. Concerningly, case law takes an overly cautious approach to bestiality, with the effect that only acts of penetration or intercourse would give rise to the offence. To reiterate, sexual abuse is not limited to sexual penetration. It can also include other acts, such as humans performing oral sex acts on animals or forcing animals to sexually touch a human's genitals. To confine this offence to penetration only is an outmoded way of thinking, and it is a dangerous way of thinking because it excludes a wide range of extremely harmful acts that society would clearly regard as sexual abuse.

The lack of legislative definition in New South Wales is deeply problematic and risks creating loopholes for perpetrators of crimes of the most serious nature. The bill seeks to correct this by providing a definition of animal sexual abuse. It draws on the definitions of bestiality from other Australian jurisdictions. Great care has been taken in compiling the definition put forward in the bill to ensure that it covers a range of sexual abuse acts. My office trawled through police reports of hideous acts of bestiality to ensure that the definition in the bill is sound and appropriate and would apply in those instances. We also consulted with legal and veterinary experts, who confirmed that the definition would capture the cases they are aware of or have been asked to provide expert evidence in.

The definition also provides reasonable and measured exemptions. Given the inclusion of a broader definition, it was important to ensure that genuine behaviours done in the process of caring for an animal were not inadvertently captured—such as, for example, a vet practitioner taking an animal's temperature through the anus. Exemptions in the bill include acts of veterinary science within the meaning of the Veterinary Practice Act 2003, acts carried out solely for hygienic purposes, and acts carried out to better veterinary care and treatment. We received feedback that assisting female animals at birth was a necessary exemption, which was surprisingly not always covered by the Veterinary Practice Act.

In case other situations come to light, where a necessary act is not covered by the exemptions, these can be prescribed as exempt acts in the regulations. There is also a general exemption for acts carried out in the best interests of an animal for the physical health and care of the animal. There is intent to cover genuine health and care where it does not otherwise fall under other exemptions. Wildlife carers, for example, often have to teach orphaned baby animals to perform basic life functions, including toilet training. These activities are not otherwise covered by the Veterinary Practice Act or other exemptions. New section 79 in the bill replaces the existing offence of bestiality with an offence of animal sexual abuse. It simply states that a person must not commit or authorise an act of animal sexual abuse. The maximum penalty is 14 years, which has not been changed from the current penalty for bestiality.

New section 79A creates an offence for when animal sexual abuse is performed in the company of another person or other persons. This offence mirrors equivalent aggravating circumstances and offences of sexual abuse against adults and children. Committing animal sexual abuse in company should clearly be an aggravated offence. The harm is magnified from many perspectives. Depending on the circumstances, other people present may be complicit in the crime. As is common with group mentalities, committing a crime in company may encourage others to partake or create a general culture where the action is acceptable. It may incite further animal sexual abuse and create a general sense of group approval. In other circumstances, people may be forced to be present in a form of abuse, control or sadism. The experience may be deeply traumatising and cause lifelong harm to that person or persons. The proposed maximum penalty for this offence is 20 years, which is aligned with the maximum penalty for aggravated sexual assault against a person.

As an aside, when talking about this bill and maximum penalties, do not forget the perverse link between crimes perpetrated against animals and crimes perpetrated against humans. It is extremely common, if not likely, for a person who commits crimes against humans to have begun their pattern of wrongdoing with crimes against animals. A strong penalty is in everyone's interest. New section 79B in the bill creates an offence for the advertisement, offer, sale, transfer, supply or purchase of animals for animal sexual abuse purposes. It carries the same penalty as attempted animal sexual abuse, which is five years imprisonment. This is a very important offence because people who knowingly provide animals for sadistic purposes are not otherwise captured by the existing offences. Disturbingly, there is a market for procuring animals for abuse in Australia.

In the high-profile case from the Northern Territory that I already referred to, Adam Britton repeatedly purchased or obtained animals for the purpose of committing an act of animal sexual abuse. In addition to inflicting harrowing cruelty on animals, Britton deceived and misled people into believing their dogs would be going to a good home. This offence in the bill would not incriminate people who are deceived or provide animals unwittingly, but it would serve as a mechanism to prosecute those who knowingly supply or obtain animals for animal sexual

abuse purposes. New section 80 in the bill replaces the existing offence of attempted bestiality with an offence of attempted animal sexual abuse. The maximum penalty of five years has not changed.

The rest of the amendments in the bill simply make consequential amendments to ensure that the offences related to animal sexual abuse are accounted for in other Acts, consistent with the current bestiality offences. These consequential amendments will ensure, for example, that a person who has been convicted of an animal sexual abuse offence will be disqualified from obtaining a Working with Children Check or an NDIS Worker Check. This is already the case for the current offence of bestiality. There are also consequential amendments to the Exhibited Animals Protection Act 1986 to ensure that a person convicted of animal sexual abuse offences has their exhibited animals licence cancelled and cannot work with or care for animals. Animal sexual abuse offences will also fall under the definition of "animal cruelty offence" in the Prevention of Cruelty to Animals Act 1979 and, as is the case for bestiality offences, anyone convicted of an animal sexual abuse offence will have an automatic lifetime animal ban.

There is nothing controversial in this bill. It simply seeks to strengthen the existing legislation and ensure that there is no leniency for animal sexual abuse in New South Wales. Surely that is not a controversial position in this House. It is incredibly important that we address the weak points in our current legislation in order to protect animals from cruelty and reduce the risk of harm to children and the community. I thank the Animal Defenders Office for its legal expertise and review of the bill. I also thank RSPCA NSW for consulting on this bill, especially in the discussions from early on in which it shared its experience in dealing with these kinds of cases. Of course, I thank the Parliamentary Counsel's Office, particularly Jessica Sutton for her excellent drafting, her patience with the many prior versions of the bill, and her consistent and professional work despite the grim subject matter.

As a former psychologist, I cannot emphasise enough how important these legislative changes are. The potential for harm, for both humans and animals alike, is overwhelming. To let any aspect of animal sexual abuse go unchecked is a terrifying thought, which is why this bill seeks to address weak spots and omissions in the Crimes Act to present a more robust legal framework, condemn animal sexual abuse and protect the most vulnerable in our community. I commend the bill to the House.

**Debate adjourned.**

### *Motions*

#### **RURAL AND REGIONAL GENERAL PRACTITIONERS**

**The Hon. SAM FARRAWAY (10:55):** I move:

- (1) That this House notes that:
  - (a) there is a health crisis unfolding across regional New South Wales where many communities cannot access a local doctor;
  - (b) regional communities have seen medical practices close their books to new patients due to the pressure from the local doctor shortages; and
  - (c) access to a doctor should not be determined by where you live in New South Wales or by postcode.
- (2) That this House calls on the Government to:
  - (a) implement short-term solutions in regional communities with locum doctors where a community has no local GP;
  - (b) increase funding to all local health districts across New South Wales to implement local strategies to deliver medical services to regional communities who currently do not have access to a GP;
  - (c) support expanding the Charles Sturt University's Murray-Darling Medical Schools model of training regionally based students from the region to practice in the region; and
  - (d) support doubling the amount of rural medical spots or placements through the Charles Sturt University's Murray-Darling Medical Schools.

This important motion relates to a crisis unfolding across regional New South Wales and, in fairness, probably across regional Australia, and that is access to GPs in regional areas. Over the course of the past 12 to 18 months, we have seen that issue impact the lives of older Australians and families, but a further consequence is that the lack of access to a GP will hold a lot of rural communities back. A case in point is in my home region of the Central West, where we are currently seeing some significant challenges. Long-serving general practitioners are retiring, and there is no capacity in the system to replace them. Communities such as Gulgong have lost their one and only GP. Unfortunately, Dr Nebras Yahya is no longer able to practise, and he has been the only doctor in Gulgong.

The community is being held back because it does not have a GP. The community is unable to access medical records because the doctor no longer practises or has an office there. No-one can get their scripts renewed,

and older Australians in particular cannot even get their driver licences renewed without their medical assessment. That compounds the problem because people then cannot drive to Mudgee to see a GP. A fast-growing regional town like Mudgee has two medical practices, and both have had to close their books to new patients. That is purely because of the strain on the system.

We need to look at real solutions. There needs to be bipartisanship across Chambers and in multiple parliaments in this country. The issue is not just up to the State Government; I accept that. It needs more than a bandaid fix. Canberra should lead, collaborating and working closely with the State governments. That is why we need to look at structural change in the health system to deliver real and meaningful change in the longer term. We need to look at Charles Sturt University's model of the Murray-Darling Medical Schools, which take regional medical students and train them in the bush to then serve rural and regional communities. The first cohort of students came out of Charles Sturt University this year. If that policy and program works, all governments on all sides of politics should back it in.

To its credit, Ryan Park's office is looking at it. It is prepared to move amendments to support the part of this motion calling for support of Charles Sturt University and it is prepared to support dialogue with the Commonwealth. That is a good thing but, quite frankly, Ryan Park needs to continue driving that agenda alongside what the Opposition is doing with Canberra to wipe HECS debts for rural medical students who become doctors and make a three-year commitment to the regions. It is far cheaper than paying a locum doctor to come in, which is between \$3,000 and \$5,000 per day. We need to think outside the box a little bit to actually deal with this issue. We need to push the Commonwealth to look at rural loadings for country GPs. It is imperative that we push to ensure that regional areas get their fair share of overseas accredited doctors when they either move or migrate to this country. It just is not happening. They migrate to Australia and move straight to Western Sydney or the eastern suburbs.

We are not getting a fair share of doctors to keep pace in regional areas. An example from Mudgee was a lady who had a consistent nosebleed. She did not want to sit at the public hospital all day and be a burden. In the end, she could not get a GP appointment in Dubbo or neighbouring towns, so she drove to Sydney to see a GP because she knew someone who knew someone. That is unacceptable, and it is not sustainable either. This is an important motion. I believe the Government has amendments, which I am reasonably prepared to accept. The role for the State Government and the Minister for Health is to drive the Commonwealth toward structural change. Over the coming months I will be outlining my plan for the Central West, but it would be good to have the support of the New South Wales Government in this space as well.

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

*Visitors*

#### VISITORS

**The PRESIDENT:** I welcome to the gallery Amit Horovitz, who is a student from Davidson High School currently doing work experience with the office of the Hon. Rachel Merton.

*Questions Without Notice*

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

**The Hon. DAMIEN TUDEHOPE (11:00):** My question is directed to the Leader of the Government. Noting that Transport for NSW has confirmed the shutdown of suburban and intercity trains from Thursday evening to Sunday morning, that they will repeat this every week until a resolution is reached and that the cost to the economy of shutting down trains for a single day has previously been estimated at well over \$30 million per day, has the Government sought advice on the total impact on the New South Wales economy of the current protected industrial action being undertaken by the Rail, Tram and Bus Union [RTBU]? If so, what is that advice? Will the Government make an application to the Fair Work Commission under section 424 to stop this multimillion-dollar pre-Christmas industrial sabotage by the RTBU?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:01):** I thank the member for his question. I will take part of the question on notice, because I am not aware of some of the detail that he is seeking. I am happy to try to find it out and provide it to the member if it is available. The rail unions have indicated that there will be no train services running on Friday or Saturday. A number of rail unions have bans in place. The three most significant are the 24-hour train services from Thursday to Sunday; reduced hours for train crews driving a maximum number of kilometres per month, which I think was canvassed yesterday; and a signalling ban on manually operating the signalling system, which creates delays on the network and compounds throughout the day. The combination of

those bans will have an incremental effect that will make it harder and harder to operate services over the next few days.

The Government has asked the rail unions to remove those bans, but the union has not agreed to lift two of them. The Government will run as many services as possible. On Monday, Transport for NSW wrote to the union asking it to remove the bans. The rail unions and the Government met on Tuesday as a part of many meetings that they have had. I believe there have been over 50 meetings. The rail unions were told that 24-hour services on all lines would not be possible, and they were asked to remove those bans. Transport for NSW proposed an alternative 24-hour service to enable unions to remove those bans. As the member is aware, there have been 27 bargaining meetings since 19 June 2024. There has also been one month of intensive bargaining with senior members. The issue remains the same. The Government does not wish for this action to be undertaken. We believe the unions should withdraw this action and come back to discussions on resolving this dispute. That is what we continue to ask for.

**The Hon. DAMIEN TUDEHOPE (11:03):** I ask a supplementary question. Has the Premier attended any of the meetings between the Government and the Rail, Tram and Bus Union?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:04):** I think that is a new question, but I am willing to take it on notice and get back to the member.

#### FUTURE JOBS AND INVESTMENT AUTHORITIES

**The Hon. GREG DONNELLY (11:04):** My question without notice is addressed to the Minister for Natural Resources. Will the Minister update the House on the Government's Future Jobs and Investment Authorities?

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:04):** I thank the member for his important question about the Government's support for coal-producing communities across New South Wales. More than 25,000 people are directly employed in the coal industry across regional New South Wales, and a further 100,000 people are employed in supporting supply chains across the State. While those jobs are across regional New South Wales, the supporting jobs in particular are outside of the coal-producing regions, in Western Sydney and across the rest of the State. We understand the importance of coal to our State's economy but we also understand that this will change over the coming years. It is currently 7 per cent of our total gross State product. Coal accounts for more than 70 per cent of our electricity generation.

As coal-fired power stations begin to close, and as mines reach the end of their tenure in coming decades, we need to make sure that workers and communities are supported. We remain committed to supporting working people. As a part of our election commitment on Future Jobs and Investment Authorities, we have mapped planning approvals for coalmines for the first time. Earlier this year I was at BHP's Mount Arthur coalmine launching a draft model for our Future Jobs and Investment Authorities. What we are about to embark upon is unprecedented as we move towards a clean energy future. Our model seeks to leverage the opportunities and the resources across Government to work in partnership with local communities. When we work in partnership with local communities, whether they are in Muswellbrook, Gunnedah, Lithgow or Wollongong, we are working in partnership with the workers, the industry and the communities that are affected.

Last year, and earlier this year, I took the time to go to each of the four coal-producing regions and meet with communities, local government and industry to hear from them directly before releasing the model. We know that developing these models cannot happen in Macquarie Street, and that this will not happen overnight. I am happy to inform the House that we received more than 80 submissions about our model. We are continuing to work through the submissions carefully and methodically in consultation with the local representatives from the affected areas.

I acknowledge the work of the Hon. Emily Suvaal, who is the chair of the inquiry into beneficial and productive post-mining land use. We need to ensure opportunities to support jobs on this land. Recently the Premier and the Prime Minister were in the Hunter to launch the TAFE Hunter Net Zero Manufacturing Centre of Excellence, which will play an important role in training the workers of the future. Coal has long been the backbone of our electricity network. It is our State's top export. We will work in partnership with these communities as we consider a future beyond coal.

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

**The Hon. SARAH MITCHELL (11:07):** My question is directed to the Minister for Roads, representing the Minister for Regional Transport and Roads. With intercity trains no longer running from 10.00 p.m. every

Thursday until 6.00 p.m. every Sunday, what substitute bus services will be running to cover these services? Will there be sufficient services to transport every person who would otherwise be catching an intercity train in a timely manner?

**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) (11:08):** I thank the Deputy Leader of the Opposition for her question. The Minister for Transport and the Leader of the Government have been up-front in spelling out the impact this may have on customers, which potentially includes regional customers as well. There is no question that there will be impacts. That is why the Government has put its position publicly and privately in the many meetings outlined by the Leader of the Government—in fact, not just the many meetings she referred to but 12 all-day meetings of intensive negotiations during the course of October as well.

We are looking to do two things: invest in essential services and improve productivity. We are proposing changes to the public service, cost savings, that will allow us to plough more money back into essential services. There is no secret about that. Those discussions are at a difficult point. That is why we will see the disruptions that the transport Minister has warned us about, and she is right to do so. It is in strong contrast to what happened in 2022, when the rail network last shut down.

**The Hon. Sarah Mitchell:** Point of order: I have been listening to the Minister. He is almost halfway through his answer. I asked what substitute bus services will be running to cover the cancelled intercity trains and whether people will be able to arrive at their destination in a timely manner. I am not getting any response to that. I ask you to direct the Minister to be relevant to the question.

**The PRESIDENT:** The scope of the question was very narrow. The Minister was pushing the envelope with the first part of his answer and then strayed even further from the question. The Minister will come back to the direct relevance of the question.

**The Hon. JOHN GRAHAM:** The Minister has also been clear that Transport for NSW is making other arrangements. Those arrangements will take place. The Minister has updated the public at the first opportunity, with days to go. Arrangements are underway in relation to bus and other transport services. Transport for NSW is working now to deal with all of that. But there is no question that it will have an impact. The transport network in Sydney alone moves one million people per day, so there will be impacts for travellers, as the Leader of the Government has indicated. The Government is not hiding from that, and it will continue to update the public about those services as we get closer to the shutdown.

**The Hon. SARAH MITCHELL (11:11):** I ask a supplementary question. I thank the Minister for his answer. Will the Minister elucidate that part of his answer where he talked about the Government updating the community and also that negotiations are ongoing with the union? Will there be any scheduled week-day intercity trains not running over the next few weeks from Monday to Thursday as a result of the progressively reduced maximum kilometres per shift?

**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) (11:11):** I cannot answer the specifics of the question. I am happy to take the detail on notice. The Minister has said the impact on services will be from Friday to Sunday. That is the latest update that she has given to the public today. That advice would be at odds with the suggestion that the Deputy Leader of the Opposition is making. But I am happy to take on notice the detail of the question and respond, to make sure that the most accurate information is provided. The Minister has updated the public days ahead of the shutdown. When the rail system shut down in 2022, the then Premier, Dominic Perrottet, did not even know that it had happened. He woke up to find that the train system had shut down. He woke up to find there were no trains.

**The Hon. Sarah Mitchell:** Point of order: Again, my point of order goes to relevance. I asked a very specific supplementary question about any further impacts between Monday and Thursday caused by the chaos with the train network, under this Government. The Minister is not being at all relevant to anything that I asked him.

**The PRESIDENT:** Information about the former Government might be best addressed in a Dixer. The Minister has the call.

**The Hon. JOHN GRAHAM:** Thank you, Mr President. That is an enticing prospect—I look to the backbench.

*[Opposition members interjected.]*

**The PRESIDENT:** Order!

**The Hon. JOHN GRAHAM:** As soon as I can get a word in, Mr President—I acknowledge that I have answered the question, at this point, to the best of my ability.

### ABORTION SERVICES

**Dr AMANDA COHN (11:13):** My question is directed to the Minister representing the Minister for Health. New South Wales public hospitals that have functionally banned abortion services are being widely reported. Last week the Premier stated that the public hospital network has a role to play in the provision of abortion, and that this "will be fully funded, and the services will be available". Given that the recently extended funding in the New South Wales budget for abortion care is for non-government organisations, partner organisations and GPs, how will the Government ensure that abortion is also accessible in public hospitals across the State, without having to continue to intervene on a case-by-case basis?

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:14):** I thank the member for her question to me in my capacity representing the excellent Minister for Health and Minister for Regional Health in the other place. The Government is committed to improving safe and transparent pathways to abortion care. The New South Wales Government made an election commitment to ensure women have safe and clear access to abortion care. I am advised that NSW Health is currently undertaking the next steps to enhance safe access to abortion care in New South Wales. The Safe Access to Abortion Care Working Group is guiding the improvement of safe and transparent access. The 2023 New South Wales budget allocated an additional \$3.5 million over four years to achieve this. The Government is also funding Family Planning Australia to lead a pilot of the SEARCH project to improve access to affordable pregnancy termination in rural and regional New South Wales.

The Government's initial three-year commitment of \$1.2 million has been extended, with an additional \$800,000 to be committed over 2024-25 and 2025-26. The two-year extension will expand the model to add 20 new organisational partners and 40 individual GP partners in rural and regional New South Wales. The extension will also focus on additional complex rural and remote case management support for women requiring travel to access care. I am advised that the availability of abortion services in public hospitals is determined by local health districts based on local needs and service capacity. In most cases, medical or surgical terminations can be provided in primary care and private practice settings.

I am advised that New South Wales public hospitals primarily provide pregnancy terminations at later stages of gestation or for women with complex medical needs. In most cases, medical or surgical abortions can be provided in the community or non-admitted settings. Several local health districts have established dedicated medical abortion care services within the women's health service, sexual health service or community health service, or provide funding support to a local community women's health care service. All local health districts provide care for termination of pregnancy in emergency or life-threatening situations, or have emergency referral pathways in place. All local health districts also have referral information available, in line with the requirements of the Abortion Law Reform Act 2019. The Pregnancy Choices Helpline and website supported by NSW Health is available to assist New South Wales residents in making pregnancy choices. This includes guidance in finding abortion service providers to meet a woman's specific needs and access to contraception and information for women who may be experiencing financial hardship.

**Dr AMANDA COHN (11:16):** I ask a supplementary question. I thank the Minister for her answer in her capacity representing the Minister for Health. In her answer, the Minister talked about local health districts providing services in public hospitals based on local needs and service capacity. It is being widely reported that multiple hospitals are not providing services where there is a local need and service capacity. What work is the Government doing to understand the pattern of that? How many hospitals are actually providing services and how many are not?

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:17):** That was quite a specific question put to me in my capacity representing the Minister for Health and Minister for Regional Health. I will come back to the member with a specific answer.

### SUMMER CULTURAL EVENTS

**The Hon. ANTHONY D'ADAM (11:17):** My question without notice is addressed to the Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism. Will the Minister please update the House on what events and activities families across New South Wales can look forward to this summer?

**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) (11:17):** There are

just 10 days until summer. As members know, we have been busy working together to change the rules ahead of the festive season. Our State's diverse calendar of events over summer includes the *Magritte* exhibition at the Art Gallery of New South Wales; *Machu Picchu and the Golden Empires of Peru*, another blockbuster exhibition at the Australian Museum; Sydney Festival; the United Cup tennis; and the Australia v India fifth cricket test match. The St Jerome's Laneway Festival and UFC 312—the Opposition may not like that one—are both taking place on 9 February 2025.

**The PRESIDENT:** There are too many interjections from Opposition members.

**The Hon. JOHN GRAHAM:** Of course, that is true in the regions as well. The Tamworth Country Music Festival, the Parkes Elvis Festival and the Bathurst 12 Hour are all ready to delight. Many of those are community events, but there will also be big music coming through. It will not just be Charli XCX coming through; Crowded House, Dua Lipa and Billie Eilish are all coming to town. The Treasurer may be interested to hear that Denzel Curry is on his way. And, of course, Kylie is back on tour. There is big music coming through. We are also activating streets around the State, with 130 activations closing streets for a day or days to allow people to get outdoors and be together with their community.

**The PRESIDENT:** I call the Hon. Susan Carter to order for the first time.

**The Hon. JOHN GRAHAM:** Since June, more than 70 events have taken place, with 50 more planned through to February. That will include the Dhuluny Project BLAK Market in Bathurst, the Shoal Bay Food and Wine Festival, the Parkes Elvis Festival and Lunar New Year in Burwood. Christmas will be celebrated as part of the Open Streets Program in Uralla, Molong, Gundagai, Manilla, Warren, Croydon, Kootingal, Coolah, Cootamundra, Wingham, Mosman, Wee Waa and Yass. All of those places will be bringing people onto the street to celebrate Christmas as we head into the festive season. Those kinds of events have always been important, but I cannot think of a time when it is more important to have free events outdoors that get the community together with family and friends. There are big events coming and activation right across the State. I encourage members to get involved and enjoy the season.

**The PRESIDENT:** Opposition members do not need to provide commentary at the end of every question. It is not interesting and it is not funny. I call the Hon. Wes Fang to order for the first time. Opposition members will cease interjecting.

#### WILDLIFE SAFETY AND ROADS

**The Hon. EMMA HURST (11:21):** My question is directed to the Minister for Roads. I have been contacted by a range of stakeholders about koalas being killed on Appin Road. It has been ongoing for two years. I have been told that the death toll is even worse this year and is rising. Several actions are needed. I understand that one of the most urgent actions is to build a wildlife crossing before further development and that a speed limit of 40 kilometres per hour on Appin Road should be imposed as a preventative measure. Will the New South Wales Government urgently impose a constant speed limit of 40 kilometres outside of when construction occurs to protect koalas, at least while the wildlife crossing is under development? If not, why not?

**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) (11:21):** I thank the member for her question. There were questions in the House about this issue recently. I have indicated that the Government is concerned about where that is up to in general. As the member knows, that means work on the general issue of wildlife strikes, including the work at the wildlife strike symposium, which the member attended. We were grateful to have her participate in that. However, there is a specific problem at Appin Road. The koala colony there is particularly important. The size of the colony is important, but it is also a chlamydia-free koala colony on the south-west of the city, so we need to protect it. That has been challenging. There has been bad news about koalas being hit by vehicles in that part of the State.

There is work underway on underpasses. I have provided information to the House about the timing of those underpasses. There is more work to do on fencing, including some discussion about the type of fencing that may be used. Wildlife groups have raised concerns about the nature of the fencing. That was exacerbated even further when it fell over during a storm. There are challenges there. One of the questions that has been asked, as the member has put, is could we simply drop the speed limit? The Government is not considering that simple change. It is not that speed limits are off the table, but the Government is not planning to drop the speed limit to 40 kilometres per hour at the moment.

The Government is committed to working closely with the groups that are expressing concerns. I am keen to do that during the parliamentary break. I understand that my office met with those groups last week. It is an area of focus for the Government. There are no easy answers. I know that it has been of concern to the environment

Minister as well. She and I have discussed the matter in the past. I thank the member for her question. I am happy to continue to update members on the matter.

**The Hon. EMMA HURST (11:24):** I ask a supplementary question. The Minister indicated that the Government is not currently considering dropping the speed limit to protect koalas. Given that we are a long way away from wildlife crossings being built and usable, what action is the Government taking or considering to protect further koalas from being killed on Appin Road during this development?

**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) (11:24):** I thank the member for the follow-up question. I have indicated that the Government is not planning to drop the speed limit to 40 kilometres an hour. It is not that there is not a discussion about speed limits. That should be discussed during the period of time that we are looking to build underpasses. The Government is working on the fencing issues. It is working on signage to make sure that motorists are aware that there have been issues and that there is wildlife about.

The Government is also investigating some other solutions. I cannot confirm that they will be able to be used here, but it is examining things such as changing the colour of the road in certain areas to make wildlife more visible. That is one example of the sorts of things that are under consideration. Again, that would not be easy or quick, but it is the sort of thing that needs to be considered if we are to balance wildlife safety with the need for people to move around in that growing area of Sydney. Let me be clear: People need to drive cars in that area of Sydney to get to work and move around. There is no alternative there. There is a clash between vehicles and wildlife. We have to do better to make sure that those concerns are balanced. They are some of the measures that are currently in place, underway or under consideration. The Government accepts that there is more to do.

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

**The Hon. NATALIE WARD (11:26):** My question is directed to the Minister for Roads both in his own capacity and in his capacity representing the Minister for Transport. With suburban trains no longer running from 10.00 p.m. every Thursday until 6.00 a.m. every Sunday, how many buses and drivers will be available to provide substitute transport? What modelling has been done into the impact on traffic of travellers shifting to buses, cars and rideshare services?

**The Hon. Mark Latham:** What about active transport?

**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) (11:26):** I thank the member for her question. I hope there will not be a second supplementary question after that interjection, which I am not acknowledging. As I have indicated to the House, the Minister for Transport has been clear about warning people at the first opportunity when it became clear that there would be an impact. She has been very clear in updating the public. Planning is now underway. We are still not at that point, so there is more work to do, and we will have that information. I am confident that the Minister for Transport will make that clear to the public. Work is underway with the bus network and the provision of buses.

Work is underway also with the rideshare sector. I particularly thank the rideshare sector for its cooperation. As members know, after coming into government, one of the arrangements that the Government and the Minister struck with the rideshare sector was to limit surge pricing when there are major service disruptions like this, including during industrial action. I can confirm that the Point to Point Transport Commissioner has been in contact with Uber, and Uber has confirmed that it will be honouring the agreement to limit surge pricing if the situation unfolds as the Minister has warned. I also confirm that rideshare operator DiDi has confirmed that it will be limiting surge pricing on trips over the weekend if trains are disrupted. I thank those companies for their assistance. That is of huge assistance to the travelling public. I thank the bus operators that are working with Transport to make arrangements. There will be further updates about those closer to the time.

**The Hon. Natalie Ward:** Point of order: I thank the Minister for his answer, but my question specifically asked how many buses and drivers will be available and what modelling has been done into the impact. It was not so much about the companies that have been contacted. I appreciate that that has been done, but the question was about the specifics of how many buses and drivers will be available and what the modelling is.

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

**The Hon. JOHN GRAHAM:** That work is underway. It is not the time for modelling. Transport for NSW is doing what it does best: using its intimate knowledge of the State transport network and working to make sure people are moved around. That is not a modelling task; that is an operational task. We are in the hands of the Transport for NSW team, who are very good at that. We are in the hands of the public servants who are looking

closely at it. I thank them for their assistance. Finally, the Minister for Transport, days ahead of this potential disruption, is doing a lot better than David Elliott or Premier Perrottet, who woke up to find the rail system in shutdown.

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

**The Hon. JOHN GRAHAM:** They woke up to find no-one could get to work. They went to the train station to get the train and found it was not there.

**The PRESIDENT:** Order! A point of order has been taken.

**The Hon. Wes Fang:** Mr President, the Minister seems to be flouting your previous ruling. I ask that you direct him to be relevant to the question—or to sit down if he does not have any more answers to give to the Chamber.

**The PRESIDENT:** The final part of the point of order was not particularly helpful. That having been said, the fundamental substance of the point of order was helpful and correct. The Minister has the call if he has anything further to add.

**The Hon. JOHN GRAHAM:** I thank you for that ruling, Mr President.

### RURAL AND REGIONAL NEW SOUTH WALES

**The Hon. CAMERON MURPHY (11:30):** My question without notice is addressed to the Minister for Regional New South Wales. How is the Government delivering on its election commitments to the people of rural and regional New South Wales?

**The Hon. Sarah Mitchell:** Tell us about Newcastle. What have you done there?

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:31):** Stay tuned. I thank the member for this incredibly important question. As we race towards the end of the year, it is a good opportunity to take stock of the Minns Labor Government's achievements in rural and regional communities across New South Wales. We have a lot of work to do. We inherited quite a mess, as I have said a number of times in this place, but we are getting on with the job. People in regional New South Wales know that our Government has achieved more in 18 months than the Coalition did in 12 years.

*[Opposition members interjected.]*

I have so much good news. Members have to listen and stay tuned. We had a lot of work to do rebuilding the trust of people across regional New South Wales, particularly in relation to how taxpayers' money and grants funding are spent. We know that things were rorted.

**The Hon. John Graham:** Point of order—

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

**The Hon. John Graham:** I am having trouble hearing the good news.

**The PRESIDENT:** I am having trouble hearing the answer. The Hon. Tara Moriarty will be heard in silence.

**The Hon. TARA MORIARTY:** It is well documented that the previous Government rorted grant money. This Government did a lot of work to re-engage with regional communities about how money should be spent, and where and when it is needed. We are proud of achievements such as amending the Regional Development Act and introducing the \$400 million Regional Development Trust Fund. We already have 200 additional childcare places and workers in the Far West, and loans for businesses in regional communities that deal with food and beverage manufacturing. That fund has been overwhelmingly successful. Last week I announced \$48 million of funding in partnership with the Federal Government to fix black spots across our regional roads, which is really important for regional communities.

The Government's achievements in agriculture are huge. Farmers have not had a good friend in government like us for a very long time. Electronic identification will be rolled out from 1 January next year. The previous Government committed to that but with no money whatsoever attached. We have a tag discount, getting it down to \$1 per tag from 1 January. I encourage farmers to get involved in that. We are ending rice vesting, which was the last single desk in the whole of Australia. That will open up the Australian rice market to the world, which is fantastic for our rice farmers and the Riverina region. In animal welfare, we banned puppy farming last week, which is a huge achievement. That was part of a significant election commitment we made to do better for animal welfare. We are redoing how animal welfare charitable funding is— *[Time expired.]*

**The PRESIDENT:** Order! Members will cease interjecting.

### SYDNEY SCIENCE PARK

**The Hon. MARK LATHAM (11:34):** My question is directed to the Deputy Leader of the Government, responsible for the integrity institutions and representing the Minister for Transport. I draw the Minister's attention to evidence at the last hearing of the Public Accounts Committee into Celestino's ghost Sydney Science Park at Luddenham. Former Ministers Rob Stokes and Stuart Ayres admitted that their Government decided to spend \$15 billion of public money on the Badgerys Creek to St Marys metro, including a station now being completed in the cow paddocks at the vacant science park, knowing that the benefit-cost ratio for that project was substantially less than the rail alternative of extending the Glenfield to Leppington line to Badgerys Creek. Will the Government now order an investigation into the relationship between Stuart Ayres, Michael Photios and John Camilleri, the owner of Celestino, that allowed this extraordinary waste of public money to proceed, especially in light of internal departmental documents indicating that as early as 2011—well before the second airport was even announced—the former Government promised Celestino a rail station at Luddenham? [*Time expired.*]

**The PRESIDENT:** I remind all members that their questions must be less than one minute. 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) (11:35):** I thank the member for his question. Firstly, I thank the House for its work on the issues that the member raises. The fact that the House agreed to an inquiry into these matters after they were raised in the Chamber is significant. This evidence has now been provided thanks to the work of the member in raising this set of questions. They are important questions about land in Sydney that is extremely close to transport and what it is being used for. We know there is a challenge for not only housing and development but also jobs across Sydney. It is a problem that land has not been properly developed, in the way suggested. As we look across the Sydney Basin, we need to take those opportunities where we find them. If that has not happened, we need to know why.

I acknowledge the inquiry that has commenced. I have not seen the evidence, but the presentation of that evidence of decisions made under the former Government is concerning. The member asks whether the Government will be inquiring into the matter further. We will be carefully watching the inquiry's work. Government agencies will be and should be cooperating—I think that is the best way to put it. The Government's expectation is that they cooperate with any inquiry of the committee or this House. We will watch carefully as the work of the committee unfolds and then make a decision about where the Government heads from there.

**The Hon. MARK LATHAM (11:38):** I ask a supplementary question. Will the Minister elaborate on his concerns that he has outlined to the House? Is he aware of the report prepared for Ashurst lawyers and Sydney Metro in 2020, which contains an email from Andrew Miller, Transport's property acquisition manager, stating, "It is considered there was a high expectation from the landowner, Celestino, that a station would be delivered to the Sydney Science Park," from the time when Gladys Berejiklian was transport Minister. When will the Government thoroughly investigate this land development scam?

**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) (11:38):** I am aware of some of the concerns. I would have to check whether I am aware of that specific email. But the question about this area of Sydney, its use and when commitments were made about transport are important questions. As always in Sydney, we need to carefully work through these issues. I am broadly aware of the issues. I think it is appropriate to let the committee do its work, but government agencies should cooperate, and the Government will monitor this closely.

[*Business interrupted.*]

### Visitors

### VISITORS

**The PRESIDENT:** I welcome to the Parliament students from Ambarvale High School, who are participating in the Legal Studies and the Legislature program conducted by the parliamentary education team.

It is also my distinct pleasure to welcome and acknowledge the newly elected Speaker of the ACT Legislative Assembly, Mark Parton, MLA, and the longstanding and well-respected Clerk of the ACT Legislative Assembly, Mr Tom Duncan, who are present in the gallery today.

*Questions Without Notice***RAIL, TRAM AND BUS UNION INDUSTRIAL ACTION**

[*Business resumed.*]

**The Hon. CHRIS RATH (11:39):** My question is directed to the Parliamentary Secretary for Industrial Relations. Noting his comment last Wednesday that "people have the right in law to exercise their leverage by withdrawing their labour to extract industrial outcomes", what action is the Parliamentary Secretary taking to support the current protected industrial action by the Rail, Tram and Bus Union in "a limitation on the manner in which work is performed in the form of a ban on performing work" between 10.00 p.m. every Thursday and 6.00 a.m. every Sunday indefinitely in order to extract a 37.4 per cent wage rise from the Minns Labor Government?

**The Hon. MARK BUTTIGIEG (11:40):** I thank the honourable member for his question. I state some simple facts: We have an industrial relations system where it is legal to take protected industrial action. It would be no secret—no great revelation—that this side of the House supports that, as it is a matter of law. It is a system which brokers outcomes based on the ability of workers to withdraw their labour. If your side of the House does not believe in that, you should come in here and tell us what system you would implement to serve as an industrial relations—

**The Hon. Chris Rath:** Point of order: The question had absolutely nothing to do with the policies of the Opposition. It was specifically about what action the Parliamentary Secretary is taking to support the current industrial action.

**The Hon. Penny Sharpe:** To the point of order: The Parliamentary Secretary was ably answering the question and was being directly relevant.

**The PRESIDENT:** I call the Hon. Mark Latham to order for the first time. I make these points: First, I agree that the Parliamentary Secretary was being directly relevant, until he started to stray into comments about the Opposition. He will cease doing that. Secondly, the Parliamentary Secretary will direct his remarks through the Chair.

**The Hon. MARK BUTTIGIEG:** Mr President, I apologise for providing that political context. In terms of what I am doing, the reality is that I do not need to do anything because an industrial relations system is in place which serves as a clearing house. I support what the Minister for Transport is doing—that is, having extensive meetings over many days to try to broker an outcome with those workers and their unions. The system we have employed is sitting down and talking to unions and their members about a negotiated way forward—

**The PRESIDENT:** The Hon. Damien Tudehope will cease interjecting.

**The Hon. MARK BUTTIGIEG:** —unlike those opposite, who put up the shutters and found out about rail networks closing on the morning of that happening. The Minister was not even aware. If you want to compare our industrial relations record and our history on negotiated outcomes to yours, you should come in here and keep asking us daily, because the reason that those—

**The Hon. John Graham:** Point of order: I ask that you restrain the Leader of the Opposition. I did not mind when he was interjecting during the good news, but now he is interjecting during the bad news as well.

**The PRESIDENT:** The Leader of the Opposition is being very vociferous. We would appreciate it being dialled back just a touch.

**The Hon. MARK BUTTIGIEG:** I will finish simply by saying that, further to the previous point I was making, if those opposite want to compare our industrial relations record with theirs, they should do so, by all means. Under our 18 months in government industrial disputation has been multiple times lower in terms of lost hours compared to the tactics of those opposite, which were to inflame disputes, taunt unions and try to have an adversarial approach. Again, we support the industrial relations system brokering outcomes. The Minister is sitting down and negotiating with them. There will be a resolution to the dispute, the workers will get an outcome and the public will be happy to have their transport restored in due course. But we are not going to come into this Chamber and take an adversarial approach to industrial relations like those opposite do— [*Time expired.*]

**The Hon. CHRIS RATH (11:45):** I ask a supplementary question. Will the Parliamentary Secretary please elucidate, in light of the Minister for Transport's request that the Rail, Tram and Bus Union cease its current protected industrial action, whether he has also urged the RTBU to do this?

**The Hon. Penny Sharpe:** Point of order: I know that you extend wide latitude, Mr President, but on this occasion I ask that you rule the supplementary question out of order. It is a new question that does not reflect on

or seek an elucidation of the answer that was provided by the Parliamentary Secretary. It is just trying to get new things on the record.

**The PRESIDENT:** While I extend significant latitude for supplementary questions, I think the Opposition is pushing the line. On this occasion I rule the supplementary question out of order. I ask members to consider that issue. A number of questions and supplementary questions are getting very close to being two entirely different questions. The supplementary question is ruled out of order.

[*Business interrupted.*]

*Visitors*

## VISITORS

**The PRESIDENT:** I welcome to the gallery representatives of the NSW Nurses and Midwives' Association.

*Questions Without Notice*

## RURAL AND REGIONAL HOUSING AFFORDABILITY

[*Business resumed.*]

**The Hon. TAYLOR MARTIN (11:46):** My question is directed to the Minister for Housing and Homelessness. I refer to the ANZ CoreLogic Housing Affordability Report released today, which found that a new mortgage for a median priced dwelling in Newcastle and Lake Macquarie takes up 58.3 per cent of a household's income—a figure that is higher than in any Australian capital city, except Sydney. Earlier this year the Premier stated that Sydney is at risk of becoming a city with no grandchildren. Furthermore, I provide a quote from Michael Koziol in *The Sydney Morning Herald*:

The more I've learnt about the planning system, the more I am convinced the entire apparatus should be dismantled. It is essentially a cottage industry for academics and bureaucrats whose *raison d'être* is to restrict, not enable, what can be done on a given piece of land. It provides the framework by which councillors, NIMBY neighbours and department officials can say "no".

What is the Minns Labor Government doing to ensure that the private sector can supply the level of demand so that regions like Newcastle-Lake Macquarie do not suffer the same fate as Sydney?

**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) (11:47):** I thank the honourable member for his question. I am well aware of how much pressure some of our regional areas, like Newcastle and Lake Macquarie, are under when it comes to the cost of housing. They are incredible places to live. We have definitely seen a lot of people who are struggling with unaffordable housing in Sydney moving to beautiful regions like Newcastle and Lake Macquarie. It is causing significant pressures on the housing market there as well.

The answer to his question is: pulling every single lever we can to ensure that the primary role that the State Government plays in housing affordability is activated. The primary role that we have is twofold. First is the planning system. I also read that fantastic piece by Michael Koziol—a loss to Sydney. We wish him well in New York. He was a wonderful editor for *The Sydney Morning Herald*. We welcome Megan Gorrey to the role, but Michael will be sorely missed. His reflections were fantastic and I agree with him that the planning system is dysfunctional. That is why we have continued a massive reform agenda, whether it is our transport-oriented development or rezoning proposals, which include sites in the Newcastle area.

Just last week the Premier announced the new Housing Development Authority, which will be a fundamentally new way for the State to play a much more active role in the delivery of housing approvals. The Premier noted currently 90 per cent of approvals for new dwellings are managed at the local government level. Clearly, that is not working and the Premier will be making more announcements on the reform of the planning system. The significant reform that the Premier and Michael Koziol alluded to is in the sights of the Government. Up until last week, we had made more announcements and there will be more to come until the planning system is one that delivers the kind of approvals that we need.

But it is important to note that it is not just our role to stimulate private market housing delivery through the delivery of approvals, although we want to do more of that. We are also identifying sites on government-owned land where we can activate the delivery of housing. It is not just the paper approvals that the Government is proposing to deliver, important though they are and as hopeful as I am about last week's announcement to deliver them. The Government is also saying, "We will give you approvals. We will also identify literal places to build housing." The Government has projected that it will be able to deliver 30,000 homes over the next few years on

government-owned land. That is a huge number. This Government is putting its shoulder to the wheel, not just on approvals, although it is critical to stimulate that, but also on sites and actually building the homes.

### RENEWABLE ENERGY PLANNING FRAMEWORK

**The Hon. MARK BUTTIGIEG (11:50):** My question without notice is addressed to the Minister for Climate Change, and Minister for Energy. Will the Minister update the House on how the Government is fixing the planning system to accelerate energy transition and deliver benefits to communities?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:51):** I thank the Hon. Mark Buttigieg for his question. Members will be aware that New South Wales has an ambitious 20-year plan to deliver the renewable energy we need to replace our ageing coal-fired power stations, reduce climate pollution and provide a bedrock for New South Wales's future economy. The rollout of the plan is well understood and generally agreed across the House, although not always. It is a bit of a day-by-day proposition. But the critical part of achieving the targets under the Electricity Infrastructure Roadmap is to ensure that the planning system is fit for purpose. The New South Wales planning system, which attracts a lot of discussion in this House, has never anticipated the speed with which decisions need to be made and the speed with which we need to build and roll out this new infrastructure.

I am pleased to report to the House that the Government is making good progress. After the road map was enacted at the end of 2020, the previous Government approved only one new wind farm in three years, which is not a good record. I am pleased to say that in 20 months this Government has got things moving. Approvals have been granted for six new wind farms, 10 solar farms and 11 important battery storage projects—and we are just getting started. Last week, Minister Paul Scully and I released the new Renewable Energy Planning Framework. This framework will promote faster planning decisions, provide investment certainty for industry and host communities and landholders, and boost economic benefits for regional communities. The framework includes a suite of guidelines and tools that will play an important role in supporting the Electricity Infrastructure Roadmap and our legislated emissions reduction targets.

While there is broad support for renewable energy across the State, increasingly there have been calls from local communities for greater certainty and transparency from the Government on how renewable projects will be assessed and managed over their life cycle. In response to these calls, the new Renewable Energy Planning Framework includes five new and updated guidelines covering wind, solar, transmission, benefits-sharing and landowner agreements. More renewable energy means cheaper power for New South Wales households and businesses. As coal-fired power becomes more expensive to operate and unreliable to maintain, replacement with renewables is the fastest and cheapest way we can replace that energy as it exits our grid. More renewable energy will underpin the decarbonisation of heavy industry and the revitalisation of our manufacturing sector. It will create new export opportunities and secure more local jobs. More renewable energy means new income streams for farmers and rural landholders while coexisting with grazing and other agricultural activities.

More renewable energy means new opportunities for Aboriginal landholders, which is something that First Nations organisations across this State are extremely excited about. More renewable guidelines set our planning system towards certainty and transparency for regional communities and for industry, and that helps to diversify our local economies as we manage a difficult but essential transition.

### RAIL, TRAM AND BUS UNION INDUSTRIAL ACTION

**The Hon. JACQUI MUNRO (11:54):** My question is directed to the Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism. Given that on 4 November 2024 the Rail, Tram and Bus Union [RTBU] gave notice of its indefinite ban on operating trains from 10.00 p.m. every Thursday to 6.00 a.m. every Sunday, as well as a progressive reduction in maximum kilometres per shift, what advice has the Minister been given in the past 16 days about the impact of these protected industrial actions on the night-time economy, the music industry and tourism, including on patrons hoping to participate in the Pearl Jam concert on Saturday?

**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) (11:55):** I thank the Hon. Jacqui Munro for her question. As I have indicated to the House, I am certain the member is correct about the date on which some of the items were notified. Obviously, there have also been intensive discussions, so this has been an evolving situation. The Minister has been up-front with the public at the first opportunity when it became clear where this was heading. The Hon. Jacqui Munro is right to refer to the date, but it is also true to say that because this is a negotiation and because there has been intensive engagement, including those 12 all-day meetings I referred to in October, it would not be fair to say, just because a claim was made, it was clear where things were heading at that time.

Obviously, this has been the subject of close discussion in the leadership of the Government, as members would expect. The Minister has been updating the Premier and other members of the Government about the impact of the negotiations, as has been the case with the other industrial negotiations that have unfolded or are still underway. As those issues have been settled, like with the teachers or the police—about half the public service has now been settled—that has been the subject of discussion. When it comes to the specific impact, the Minister is updating the public on a daily basis and there will be further updates.

**The Hon. Jacqui Munro:** Point of order: I appreciate the general terms in which the Minister is responding, but my question was quite specifically about the impact of protected industrial actions on the night-time economy, the music industry and tourism, including the Pearl Jam concert this Saturday.

**The PRESIDENT:** No. The question was, in fact, "What advice have you been given", to which the Minister is being directly relevant. The Minister has the call.

**The Hon. JOHN GRAHAM:** I make the points that this issue is being closely canvassed and the Minister is updating the public regularly as that information comes to hand. I have made clear to the Chamber that work is underway to make sure there are alternative travel arrangements. Those alternative arrangements are now coming into place—days ahead compared to how this worked in 2022, by the way, although that is a point I will not press. The Minister will continue to update the public about those issues as the negotiations unfold. This action will have an impact on members of the public as they move around, including for some of the events mentioned, but Transport is working with Uber and bus services to minimise those impacts. I am confident the Minister will do a much better job than did David Elliott, who was asleep, and Dom Perrottet, who turned up to the train station to discover the system was not working.

#### HOUSING DELIVERY AUTHORITY

**The Hon. Dr SARAH KAINE (11:58):** My question without notice is addressed to the Minister for Housing. Will the Minister update the House on the recent Housing Delivery Authority launch and how this will boost housing supply in New South Wales?

**The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (11:58):** I am pleased to talk further about the Housing Delivery Authority. I notice the Hon. Taylor Martin has left the Chamber; I should have mentioned in response to his question that there is a range of projects, specifically in the Newcastle and Lake Macquarie region, that the Government is looking to deliver. If the Hon. Taylor Martin is watching, I am happy to give him more information specifically about that. Lake Macquarie is one of the sites of our modular housing trial, which is very exciting. Lake Macquarie, Wollongong and Tweed are places at which the Government is delivering modular housing, which is a new thing for government. I will be happy to fill the member in later.

In answer to the Hon. Dr Sarah Kaine's question, the Government has taken an important step. We are not interested in just talking about the housing crisis and lamenting the dysfunctional planning system that we have inherited. We are taking active steps to ensure that the right settings are in place to deliver the housing that we need. As I mentioned previously, the current system—which is complicated, byzantine and slow—delivers 90 per cent of housing approvals at the local government level, but it is not working. We are not getting the approvals for the homes that need to be built to address the housing crisis in this State. So what have we done? We have delivered a new process through the State to get approvals moving. Projects over \$60 million in Sydney and over \$30 million in the regions will have access to a new pathway that will deliver rezoning and housing approvals side by side.

That is exciting but will not necessarily be welcomed by everyone. Some people at the local government level will continue to wish to frustrate the efforts of the State to get our systems in order to deliver housing. To those people I say to come on board and recognise how important this is. We welcome local governments delivering the approvals that we need, and we wish to partner with them. But we will not let those who consistently wish to frustrate every effort to deliver housing stand in the way of addressing the housing crisis. It is important to recognise that the planning system, as it is currently structured, is not working. It is not delivering the approvals we need for the private market. The Premier has led a direct intervention to ensure that better systems are in place, and this House should welcome that.

**The Hon. PENNY SHARPE:** The second last question time for the year is over. We will wind up with a good one tomorrow, so may the force be with you. The time for questions has expired. If members have further questions, I suggest they place them on notice.

*Supplementary Questions for Written Answers***SYDNEY SCIENCE PARK**

**The Hon. MARK LATHAM (12:01):** My supplementary question for written answer is directed to the Deputy Leader of the Government. Will the Government examine all the documents from the Commonwealth-New South Wales city deal for 2016 to 2018 to establish the means by which Stuart Ayres secured \$15 billion in public funding for the St Marys metro line, knowing its benefit-cost outcomes would be inferior to the Leppington line extension and that it would deliver a metro station for Celestino on its vacant Luddenham land, facilitating the means by which the company would then lobby the New South Wales Government to turn its science park proposal into another Western Sydney housing estate with 30,000 dwellings—which, to now square the circle, Mr Ayres publicly supports as the head of the Urban Development Institute of Australia NSW? How about that for a racket!

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

**The Hon. DAMIEN TUDEHOPE (12:02):** My supplementary question for written answer is directed to the Leader of the Government. What is the estimated total cost to the New South Wales economy of the current protected industrial actions by the Rail, Tram and Bus Union between today and 1 January 2025? Will the Government make an application to the Fair Work Commission under section 424 for an order to stop the actions and protect the New South Wales economy?

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

**The Hon. SARAH MITCHELL (12:03):** My supplementary question for written answer is directed to the Minister for Transport, representing the Minister for Regional Transport and Roads. This morning Transport for NSW advised that from today there will be service reductions and cancelled services on the intercity network due to protected industrial action, due primarily to the ban restricting the number of kilometres train crew can work per day. How many services will be cancelled? What will be the gap in the number of passengers who would normally travel by train and those that can be accommodated on substitute buses?

*Visitors*

**VISITORS**

**The PRESIDENT:** I welcome to the gallery Raffaella Revis, who is undertaking an internship in the office of the Hon. Jacqui Munro. She is very welcome here today.

*Questions Without Notice: Take Note*

**TAKE NOTE OF ANSWERS TO QUESTIONS**

**The Hon. CHRIS RATH:** I move:

That the House take note of answers to questions.

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

**The Hon. CHRIS RATH (12:04):** I take note of the answers given regarding the industrial action by the Rail, Tram and Bus Union [RTBU]. I do not think that there has ever been a better argument for a completely driverless metro and train system in Sydney than the current industrial action. We know that those opposite and the RTBU hate the metro. They hate the metro just like they hated the new intercity fleet, because they want the RTBU to be able to shut down the train network whenever it wants and exact industrial sabotage and chaos on commuters in Sydney.

Interestingly, in the past few hours the head of the RTBU was on Sky News saying that it was easier dealing with the Perrottet Government than it is dealing with the Minns Government—and members opposite attack us for the way we handled industrial negotiations when we were in government. What an absolute disgrace. They said that it would get better under them but it has got much worse. There is chaos and sabotage. People trying to get to the Pearl Jam concert this weekend will not be able to do so. Seventy thousand fans will be impacted. People going to watch the A-League or to see *Jesus Christ Superstar* or *Hamilton* will all be impacted this weekend.

Those opposite are weak, feeble, flaccid and unable to stand up to their RTBU masters. They are letting the union get away with sabotage and chaos on our train network, and it is an absolute disgrace. We need to remember just how owned by the RTBU the Labor Party is. There has been \$400,000 in donations and affiliation fees since 2018-19. Countless volunteers helped Labor members get elected. There were delegates and members of its admin committee on the conference floor. The Government Whip, the Hon. Bob Nanva, is a member and former head of the RTBU.

There is an inextricable link between those opposite and the RTBU, so they will not stand up to the union's industrial sabotage. They are letting the union get away with it. The people of Sydney have had an absolute gutful, and it has only just started. It will get much worse. Thank God for the Hon. Damien Tudehope, with his supplementary question. Previous estimates indicated it costs about \$30 million a day every time there is industrial action. We know that about a million people use the train network every single year in Sydney. What is the union calling for? It is calling for a 37.4 per cent pay increase, once compounding is taken into account, but its members are already on \$91,000 a year! [*Time expired.*]

### ABORTION SERVICES

**Dr AMANDA COHN (12:07):** I take note of the answer from the Hon. Courtney Houssos, representing the Minister for Health, to my question relating to abortion services in public hospitals. I need to point out that the public largely expects that abortion services are available in public hospitals, and communities have been shocked and horrified to learn that in many they are not. Orange and Queanbeyan are not the only places with that problem. A representative survey commissioned by Australian Clinicians for Choice in early 2023 found that 68 per cent of New South Wales residents believe that every public hospital delivering women's health services should also provide abortion. There was majority support for greater access to abortion services among voters for both Labor and the Coalition, and support was greatest in rural areas.

In her answer the Minister spoke of the SEARCH Project. The Greens commend the extension of funding for that program, which is building the capacity of service providers in some regions. But that does not solve the issue of weaponisation of conscientious objection. Dr Anna Noonan of the University of Sydney, based in Orange, recently published excellent peer-reviewed research in the journal *Rural and Remote Health* finding that a small but influential number of medical practitioners are not just refusing provide abortion services but obstructing access, leaving people unable to access terminations in many parts of the State.

I thank the Premier for his commitment last week in the other place that abortion services will be fully funded and available in public hospitals. Given the state of the public health system at the moment and the level of distress, burnout and stress among health workers, I understand that some workers are distressed by the idea of having to provide additional services on top of their already stretched workloads. I empathise with that sentiment. That is why those services have to be resourced and those workers have to be adequately paid to provide them. There are nurses, midwives, obstetricians, gynaecologists and GPs across the State who are ready, skilled, willing and able to provide those services in public hospitals. They need to have a framework, in terms of both regulation and funding, that allows them to provide that care in the regions. When we have good healthcare workers in the regions, they need to be supported to provide that care.

Because the Minister mentioned it in her answer, I repeat an anecdote that I related last week about the Pregnancy Choices Helpline. The anecdote is from a health worker who told me that they called that helpline seeking advice on where to refer someone who had passed the gestational limit for their private clinic. They waited on hold for an hour and then could not be told which hospitals provide services. They were told that the patient would have to go back to their GP, who would then have to advocate for access at their local hospital based on the availability of particular doctors and the rostering of surgical theatre lists. That is not a system. It is not the level of care that the community across New South Wales expects. I call on the Premier and the Minister for Health to intervene statewide to ensure that care is accessible.

### RAIL, TRAM AND BUS UNION INDUSTRIAL ACTION

**The Hon. CAMERON MURPHY (12:10):** I take note of the answers given by the Minister for Roads, representing the Minister for Transport, to the many and varied questions that were asked about the current industrial dispute. I remind members why the industrial dispute exists. The way that Opposition members asked their questions, which were ably answered by the Minister for Roads, shows the distinction between the way this Government engages in a process of talking to, discussing, negotiating and having a fair bargaining process with unions, and the approach of the former Government.

The disputes are not occurring in isolation. We have come through 12 years of absolute wage suppression. The former Government had a wage cap in place and failed to negotiate fairly with representatives from the Rail, Tram and Bus Union, the New South Wales Nurses and Midwives' Association, and other unions. That wage suppression has now resulted in people saying, "We like the Government's fair bargaining process. We need to catch up on the 12 years that we fell behind in our wages." That is why we are in the situation that we are in at the moment. A distinction ought to be drawn between the way the former and current Government is dealing with it.

I support unions and their representatives making a case, taking industrial action and furthering the wages and conditions of their workers. What I do not support is the attitude that the former Government had. What did it do? As the Minister said, the then Minister for Transport, David Elliott, did not even take the 2.00 a.m. phone

call. He did not even talk to his own department about what was going on. He woke up in the morning to find chaos, where nobody in this State knew that the trains would stop operating until everybody turned up to the train station ready to catch a train that day.

It was utter chaos because there was no negotiation and the former Government was not talking to the union at all. There was no plan, bargaining or process. All we consistently hear from those opposite is, "Make a section 424 application. Go to the Fair Work Commission." In other words, prevent workers from bargaining at all. That is what the other side offers. It is disgraceful. People should remember the distinction between what the former Government offered, which was wage suppression and no negotiation— [*Time expired.*]

### RAIL, TRAM AND BUS UNION INDUSTRIAL ACTION

**The Hon. DAMIEN TUDEHOPE (12:13):** The speech by the Hon. Cameron Murphy says it all, because it articulated a policy that says, "We only look after our mates in the union movement, and the people of New South Wales can go and get nicked." The Government's approach to industrial negotiations is that people do not matter; only their union mates matter. When asked what he would do to ensure that the action was not taking place so that a million people a day would not be inconvenienced, the Parliamentary Secretary for Industrial Relations said, "I support what they do." That is the impact of what he articulated to members today.

He asked what the policy of the Liberals and The Nationals is. We are on the side of the people of New South Wales: people who want to take their children to school, people who have medical appointments, shopkeepers and small businesses that want to make sure their businesses are able to trade, and people who want to ensure that they can get to cultural events. We are on the side of those people, unlike members opposite, including the Hon. Cameron Murphy. He just articulated the union position in so-called negotiations. Those negotiations are conducted from one perspective only, which is looking after union mates.

When a member of the Rail, Tram, and Bus Union is sitting on the back bench in caucus with its leadership team, is there any wonder about the steps the Government will take to ensure that inconvenience does not take place? We have a Minister for Transport who tells the public what will happen, and hides behind the fact that she will give us a warning. But, rather than be a no-transport Minister, she should be a transport Minister. She should be someone who acts for the people New South Wales. She should say, "We want to make sure that this doesn't take place." There is an example that she can rely on. This protected industrial action was in place last weekend. Did we have a shutdown last weekend? No. It is the Government and the Minister who have decided that we will have a strike this weekend and every weekend from here on in. We call on the Government to do something about it.

### RAIL, TRAM AND BUS UNION INDUSTRIAL ACTION

#### SYDNEY SCIENCE PARK

**The Hon. MARK LATHAM (12:16):** The Leader of the Opposition has just made a great fiery speech. He ought to be careful; I thought he was going to blow a gasket. He spoke about the policy of the Coalition, but it can be judged by its time in government: Its policy on rail was to build a line from Badgerys Creek to St Marys that will basically have no use. On the crossbench, we have the honest brokers of the performance of the major parties, and they go for a train strike that may or may not happen. At this stage, I thank the Government for running the trains tomorrow so that this humble commuting MLC can get to work. That is progress. The trains will run tomorrow, but maybe not on Friday.

**The Hon. Damien Tudehope:** Not on Friday.

**The Hon. MARK LATHAM:** Well, we will be elsewhere on Friday. We will get home otherwise. The Active Transport Strategy will come into action. Or does the Coalition support policies where there is a total misallocation of public transport resources? The metro business case to St Marys estimates that the line would have a peak load of 880 passengers per hour. That is 11 per cent of the capacity of the metro in one direction. That means 89 per cent of the metro in peak hour would be empty. Why? Because the Government seems to have a relationship with John Camilleri and Celestino, who are trying to win lotto three times. Celestino won lotto the first time when it had its rural landholding hectares in Luddenham zoned by the Coalition to be a business park, supposedly for high-tech development land and jobs. Not a single job of the 10,000 promised has ever been delivered. That was its first lotto win.

Not content with that, it won lotto a second time when its expansive horse and cow paddocks at Luddenham had a metro station built to near completion, essentially servicing no commuters. Through the support of Stuart Ayres and others at the Urban Development Institute of Australia NSW, the company is now trying to win lotto again. It will say to the Government that it has a metro servicing nothing, so it better have a 30,000-dwelling housing estate. That was the submission it made to the former Government, trying to win lotto a third time. It tried

it on with Rob Stokes, and will again in the future. That is a scandalous development. The Public Accounts committee is analysing it. The Government needs to look at all of the documents going back to the time of Gladys Berejiklian.

Additionally, and the Hon. Anthony D'Adam knows so, the Government has put Simon Draper in charge of the new urban development pathway. However, he is the author of the greatest urban planning disaster in inner Sydney: Central Barangaroo. It is a hole in the ground. We had a committee inquiry into that. Mr Draper had expertise in running airports in the Northern Territory, which is great. That is a fine skill. But I do not think he should be anywhere near urban development approvals in Sydney, given what he did at Central Barangaroo—unless it is an equal opportunity policy and everyone in Sydney can have a hole in the ground.

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

**The Hon. MARK BUTTIGIEG (12:19):** I take note of questions and answers regarding industrial disputation, particularly in respect of the Rail, Tram and Bus Union [RTBU]. Directly to the point made by the Leader of the Opposition, who always leaves the Chamber once he has said his piece, as is his prerogative—

**The Hon. Chris Rath:** Point of order—

**The Hon. MARK BUTTIGIEG:** I would have thought he would want to stay for the debate to listen to the responses.

**The ASSISTANT PRESIDENT (The Hon. Peter Primrose):** The Clerk will stop the clock.

**The Hon. Chris Rath:** This point of order has been taken on me in the past. A member cannot indicate to the Chamber when another member is not here. Members are busy with a range of different commitments. I ask you to instruct the member to withdraw that comment.

**The Hon. MARK BUTTIGIEG:** I withdraw my comment that the Leader of the Opposition is not here to respond to the debate. To directly address the debating point, if one wants to compare the success of this Government's industrial relations negotiation regime to that of the former Government, then, by any metric, this Government is 10 times better. If members opposite want to look at the facts, in the 18 months that we have been in government, the number of work hours lost to industrial disputation is 150 times lower than it was under their adversarial regime. They simply wanted to bash workers and put up the shutters, as I said in my answer.

There is a choice between two different approaches. On one hand, there is a union-hating, worker-hating regime that does not want to sit down and negotiate, and that actually takes glee in disputation and lost hours. On the other hand, there is an approach that recognises that we have a good, fair industrial relations system that serves as a clearing house for workers to be represented by their unions and exercise the withdrawal of labour in a legally protected way, which protects both the workers and the public.

I remind members opposite that the Government was elected squarely and fairly on a platform to raise the wages of frontline workers, and that it has done so. Teachers, hospital workers, paramedics, fire brigade staff—right across the board, time after time, the Government has negotiated increases in wages. There are a couple of outstanding disputes with the nurses and the rail workers, which will be resolved by sitting down and negotiating with them, and allowing them to exercise their rights under the law. Yes, it is disruptive. Yes, it causes problems. But I challenge members opposite, if they have a system that they think would work better, to articulate to the House the changes that they would make to the industrial relations system.

The implications of the questions being asked by the Opposition and its representations in this House are that it does not believe in protected industrial action and it does not believe in the ability of workers to exercise their rights under the law. Opposition members should tell us what they would do to the Industrial Relations Commission—which they gutted when they were in power, to the detriment of working people in New South Wales. The Government said it would restore the Industrial Relations Commission, and it has. That is why Government members are on this side of the Chamber, and Opposition members are on that side. [*Time expired.*]

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

**The Hon. SUSAN CARTER (12:23):** I take note of answers given by Minister Graham, especially those relating to the Rail, Tram and Bus Union [RTBU] dispute. The rhetoric from the Government is "Oh, look, we're telling you there's a strike. We know there's a strike. In fact, we're actually creating the strike because we've turned protected industrial action into a strike—into a major inconvenience for the people of New South Wales." I also take note of the answers relating to planning that were given today. This Government's signature planning policy is Transport Oriented Development, or the TOD. What is the point of a TOD if, because of industrial action, there is no transport? What is the point of locating people close to transport nodes—close to train stations—if we can

expect trains to effectively be on a long weekend of their own devising between now and who knows when? There is no point in living close to transport if that transport does not exist or if it will be unreliable.

I note that the very existence of the TOD as a housing policy is functionally an admission by this Government that it is not building any more transport infrastructure, so everybody has to be crowded in around the existing transport nodes, which were built by the former Government, and the metros, which the former Government created for the benefit of the people of New South Wales. We had trains that ran regularly for the benefit of the people of New South Wales. So much for this Government's policy of driving people back to work in the office! People will not be able to use the trains to get to work. They will be driving themselves to work this Friday, and potentially every other Friday, because they will have no other option.

Perhaps we are expected to use the active transport solution. Every Friday from now on will be Walk to Work Day, because there will be no other way to get to the office because of the Government's total failure to solve the industrial dispute. To warn people about a dispute is not to solve a dispute. To negotiate no surge pricing on rideshare and offer that as an answer to a transport dispute in a cost-of-living crisis, which presumes that people can afford the rideshare cost in the first place, shows how completely out of touch this Government is with the whole of the community, and not just the members of the union that it is failing to negotiate a settlement with.

### **RAIL, TRAM AND BUS UNION INDUSTRIAL ACTION RURAL AND REGIONAL NEW SOUTH WALES**

**The Hon. STEPHEN LAWRENCE (12:26):** I take note of answers given by the Minister for Roads to a number of questions about the industrial action that is occurring, and reflect on some of the discussion we have been having. I cannot quite discern the fundamental critique that the Opposition is making in relation to these matters. There is a tendency on one hand to accuse the Government of kowtowing to its union bosses. The criticism is that this Government just does what the unions tell it to do because the union movement is an integral part of the labour movement and the Labor Party. On the other hand, when it suits the Opposition's opportunism, it accuses the Government of being an unreasonable negotiator and not paying people enough. The Government is accused of not acceding to reasonable demands being made by trade union entities.

From all of that, it is possible to discern that this is a reasonable government in a difficult position. What I see from the inside, as a member of the Government, is not kowtowing to union bosses or unreasonably refusing to negotiate. The Government is trying to balance a whole range of considerations. When it comes to essential services, the Government has looked to see what is being paid interstate. It has looked at rates of inflation, previous pay increases and the overall pattern, and has attempted to negotiate in good faith. The two caricatures put forward by the Opposition are just political caricatures; they do not reflect the reality of the situation. The Government has also gotten rid of the wages cap, which was unfair and prevented proper negotiation. It has restored the proper role of the industrial umpire. That is the hallmark of the Government's policies, which puts the lie to the caricatures that have been suggested.

I also take note of the answer from the Minister for Regional New South Wales about the achievements of the Government. The Government's signal achievement as I perceive it, as a resident of Dubbo, is that it has started the task of rebuilding essential services. It has put the lie to the National Party's proposition that a government is only doing something for the country if it is cutting ribbons on expensive projects that have been funded from privatisation. The Government is rebuilding essential services, and the people of regional New South Wales understand and are responding to that. They can see the Government's record investment in the Police Force. They can see that the Government has cut vacancies and lost hours for students by half. Those are the real achievements of this Government.

### **RURAL AND REGIONAL NEW SOUTH WALES**

**The Hon. AILEEN MacDONALD (12:29):** I take note of the response given by the Hon. Tara Moriarty regarding what the Government claims it has done for rural and regional New South Wales since its election in March 2023. While listening to the Minister's glowing assessment of the achievements, I was reminded of a product many in the agricultural community would be familiar with: Dynamic Lifter. For those who might not know, Dynamic Lifter is marketed as an organic-based fertiliser that is slow to release, pelletised, and helpful in improving soil structure and moisture retention. The Government's claims sound promising but, just like Dynamic Lifter, its efforts seem to be based on packaging rather than substance.

The Minister may talk about enriching the soil of rural and regional communities, but we know that the Government's actions have not exactly yielded the strong growth or flourishing outcomes that it promised. Farmers and communities are left wondering when the so-called slow-release approach will start to deliver results. The agricultural community deserves better than hollow claims; it needs immediate and tangible actions, investments in infrastructure, real support and better solutions for supply chain challenges. Rural and regional New South

Wales can see right through the spin and, like the smell of Dynamic Lifter, they find it hard to ignore it when something does not quite stack up.

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

**The Hon. RACHEL MERTON (12:30):** I also welcome Amit Horovitz, who was warmly welcomed to the gallery earlier by the President. It is lovely to see her here. I take note of answers relating to the Rail, Tram and Bus Union. As was well articulated in the Chamber, continued industrial action is on the table, and New South Wales is sick and tired of once again being caught in the crossfire of a protracted industrial dispute. Whether it is one-month bargaining or whether demands are being met, the Opposition stands by and watches on with New South Wales commuters. I also highlight the costs and consequences of the continued industrial action, as was discussed today. As transport authorities in New South Wales warned, there is a prospect of the entire Sydney network shutting down to meet the latest union demands. The cost and consequence of that are prohibitive.

I remind the House what that means in terms of small business, jobs and the elderly. Key concerts are taking place in Sydney this weekend. How will commuters attend those concerts, and what is the impact on small business? It is essential to recognise that transport is a key part of the New South Wales economy. I remind the House that the Government has responded to this by describing the union action as a boa constrictor. Let us examine what that might mean. The boa constrictor is known as an ambush hunter, often hanging from trees until it grabs a passing animal. It is a powerful snake and a stealthy hunter. At this point, that is how the Government is describing its experience with the unions and their behaviour. Further industrial action has not been ruled out. Most New South Wales commuters stand by and watch on while trying to manage the inconvenience to their jobs, their families, their aged parents, and their kids' sporting and entertainment commitments. New South Wales deserves a whole lot better.

### **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) (12:34):** I begin the wrap-up to the take-note debate with reflections on the contributions of Liberal Party members. Yet again, their breathless hypocrisy about industrial relations is pretty shameless. That is not a surprise. The Government is in negotiations with the union. That has been well ventilated in public debate today. As a government, we certainly do not want the public to be inconvenienced but, after 12 years of wage freezes and inaction by the previous Government, these things have to be worked through. That is exactly what the Government is doing.

I do not know what to make of the take-note debate contribution from the Hon. Aileen MacDonald about what the Government is doing in regional New South Wales. But, since I ran out of time in question time, let me go on with the list of achievements that the Government has been able to deliver in just 18 months. I was talking about the Regional Development Act revamp and the Regional Development Trust Fund, which is a direct investment into regional communities. The Government is getting on with spending that money in western New South Wales and other regional parts of the State, with direct support for businesses. That will create jobs in our communities. The 200 childcare places in western New South Wales will deliver not only child care but also jobs. That is direct action from the Labor Government.

The Premier and I launched the Welcome Experience last year, and the Government has expanded it this year. That is direct investment in recruiting key workers. It is a priority of the Government to support key workers and to get key workers into regional communities. I reported a couple of weeks ago that we have well over 600 key workers who have moved to regional communities as a direct result of the Labor Government's program. Last week I announced a \$48 million package to fix black spots on regional roads. That is a direct investment to support regional communities and provide safety for people driving on our roads. The Government re-established the Western Air Services subsidy that is helping to keep airlines flying to remote communities in western New South Wales, including Moree, to ensure that people from every part of our State have access to wherever they need to get to, including for health care.

In relation to Local Land Services, the Government has taken out over 122,000 feral pigs. That is a proud achievement, and I know it is a significant issue for farmers. As I reflected on earlier, ending rice vesting is a significant achievement not only for rice farmers and for New South Wales but also for Australia. The \$59 million investment in our research stations is direct support from the Minns Labor Government to assist farmers across New South Wales, and the almost \$1 billion budget for biosecurity protection in New South Wales is another direct investment from this Government in protecting farmers and our agricultural industry. I could go on, but I am out of time.

**The ASSISTANT PRESIDENT (The Hon. Peter Primrose):** The time for debate has expired. The question is that the motion be agreed to.

**Motion agreed to.***Written Answers to Supplementary Questions***RAIL, TRAM AND BUS UNION INDUSTRIAL ACTION**

In reply to **the Hon. WES FANG** (19 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 number of cancellations depends on whether industrial action is being taken at the nominated time. If no industrial action is in place, ordinary scheduled services would be provided.

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

In reply to **the Hon. NATALIE WARD** (19 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 number of cancellations depends on whether industrial action is being taken at the nominated time. If no industrial action is in place, ordinary scheduled services would be provided.

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

In reply to **the Hon. MARK LATHAM** (19 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:

Productivity improvements are changes that allow more output to be produced with a given set of inputs. Closely related to productivity is efficiency. Being more efficient can be one way to improve productivity.

The wage increases for teachers and police that were above the Government's wages policy were largely offset by cost savings (such as the police insurance reforms) which have the potential to improve efficiency and productivity.

Negotiations for rail workers continue and it would be inappropriate to provide further detail on these negotiations.

For further information on output per employee, questions should be directed to the relevant Minister.

**NSW POLICE FORCE EQUIPMENT POLICIES**

In reply to **the Hon. ROD ROBERTS** (19 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:

Policies and procedures relating to the disposal or destruction of clothing and associated equipment, such as ballistic vests, are contained in:

- NSW Police Force Dress Policy;
- NSW Police Force Arms and Appointments Manual; and
- NSW Police Force Asset Disposal Procedure.

While all police must comply with the NSW Police Force Asset Disposal Procedure and the NSW Police Force Arms and Appointments manual, there is no single disposal and destruction policy for each equipment type as the disposal and destruction is specific to the type of equipment and is a local practice for Police Armoury staff, as the Police Armoury has sole responsibility for disposal. The NSW Police Force continues to aim for best practice, and where gaps are identified, relevant policy and procedures will be developed and amended as appropriate.

**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***UNIVERSITY PROTESTS**

**The Hon. ANTHONY D'ADAM (14:00):** I recently had cause to look through my collection of T-shirts from my time at the University of Sydney. I came across a T-shirt from the early 1990s that was printed as part of a Student Representative Council encampment to protest the then low rate of Austudy. The campaign was titled the Tent Offensive, and the protest produced no discernible reaction from the university leadership at the time—a reflection of a very different attitude that prevailed in universities then, compared to the increasingly oppressive approach being adopted by university administrators today. Encampment has been part of protest repertoire for decades. Indeed, the Aboriginal Tent Embassy in Canberra is the longest continuous protest in Australian history.

That is why we should be concerned by the decision of the University of Sydney to introduce its *Campus Access Policy 2024* in June this year as a direct response to the pro-Palestine encampment. The *Campus Access Policy 2024* requires 72 hours notice for protests. Under the policy, activities like using megaphones, erecting banners or distributing political materials are tightly controlled. Encampments and even the presence of non-students at protests are banned outright. Security now wields the authority to remove or detain those deemed to be in violation. Simultaneously, surveillance measures have been ramped up. At Sydney uni alone, four new CCTV cameras were installed in the Graffiti Tunnel, which is a longstanding space for political expression. Increased signage encourages students to report offensive behaviour. Posters, whether political or cultural, are being systematically removed.

Those crackdowns are not unique to the University of Sydney. Monash University has banned non-students and staff from campus protests. The University of Melbourne has updated its property policy to prohibit camping. At the Australian National University, sleeping in tents on campus is forbidden and protests must now be "peaceful" and "non-intimidating", although who defines those terms remains unclear. Of deep concern is the decision of the University of New South Wales to withdraw the recognition of the student group Students for Palestine. That decision is a direct assault on the right of students to organise around ideas that are contrary to mainstream opinion—a position at the heart of the notion of what it means to live in a free society.

At the same time, universities are standing by as academics like Nick Riemer are being attacked for expressing views on Gaza. Those policies are directed at discouraging students from organising around controversial issues. The increased surveillance and control are not about safety but about shutting down movements that challenge the status quo. The response reflects a profound change in the way universities, as institutions, understand their role in society. An increasingly corporate mindset dominates university management, with a focus on courting the profitable international student market rather than adhering to their primary role in serving Australian society, particularly by fostering its future intellectual leadership.

Universities cannot be just about producing a supply of degree-qualified workers. University should be a time when students develop their intellectual identity. That less-tangible process shapes society's future economic, political, cultural and administrative leaders. Protest and dissent can be untidy and uncomfortable for university administrators, but they should be hesitant to create a dangerous culture of conformity in their institutions. We should ask ourselves: Do we really want future leaders who learned at university to stay silent in the face of genocide, to recognise that powerful institutions need to be feared and to believe that the best course of action is to keep their head down and not offend anyone?

**SYDNEY KOREAN FESTIVAL**

**The Hon. SCOTT FARLOW (14:03):** I reflect on the resounding success of the Sydney Korean Festival 2024, which was held on Saturday 9 and Sunday 10 November at Tumbalong Park in Darling Harbour. The vibrant celebration is a testament to the cultural diversity that enriches our State, and it highlights the invaluable contributions of the Korean Australian community to New South Wales. Over two days the festival drew thousands of attendees as it showcased the cultural bridge between Korea and Australia.

The Sydney Korean Festival has been a fixture of the Sydney cultural calendar for over a decade and is a testament to the passion of the organisers, Australia Korea Culture and Arts Incorporated. The festival's program was a masterful blend of entertainment, education and culinary delights. From the captivating performances of traditional Korean drumming and dance to the contemporary allure of K-pop, attendees were treated to a feast for the senses. The performances were not just a showcase of artistic talent but also a powerful reminder of the enduring strength of cultural expression in uniting communities.

In particular, I recognise my good friend Mr Don Ko, chairman of Australia Korea Culture and Arts Incorporated, for his longstanding commitment to the organisation of the Sydney Korean Festival. I also recognise his erstwhile lieutenant, Ms Namhee Ko. The festival grows to new heights each year and is a genuine and contemporary representation of Korean culture in New South Wales. Don is a strong advocate for his community

and for promoting cultural harmony and understanding within our State. By his side, the head of the organising committee for the festival, Namhee Ko, is also a wonderful bridge between the Australian and Korean communities.

The festival also underscored the broader relationship between Australia and Korea as two nations bound by strong trade, cultural and educational ties. Events like the Sydney Korean Festival remind us of the importance of nurturing those connections and bring a little bit of the Han to Sydney Harbour. The festival was a celebration not only of Korean culture but also of the harmony and mutual respect that define the multicultural fabric of New South Wales. The event is also a testament to the power of cultural festivals in fostering social cohesion and inclusivity. What is so stunning about the Sydney Korean Festival in particular is how it unites generations, bringing together everyone from the youngest in our society to the oldest.

The festival features modern Korean displays, such as K-pop and contemporary dance, as well as showcasing ancient Korean culture, which is thousands of years old, through wonderful hanbok presentations and traditional Korean dance and music. Festivals like that promote understanding and strengthen our multicultural society. In closing, it is important to reiterate how proud we should be of the Korean Australian community for their contributions to our State. The Sydney Korean Festival is a celebration not just of Korean culture but also of the diversity that makes New South Wales a beacon of multiculturalism and the best place to be.

### DRUG SUMMIT

**Ms CATE FAEHRMANN (14:06):** The 1999 Drug Summit was established by a resolution of this Parliament. It transcended politics and media stunts. Instead of it being used as a power play, its aims and processes were agreed to by all sides of Parliament. Its proceedings were shared with the media, and the participation of all members was expected. It led to the first medically supervised injecting facility in Australia. It shone a light on how ill-prepared the justice system was to respond to drug use and addiction, and it proved that harm reduction and health-first initiatives were key to responding to drug-related harm.

When Labor members promised a drug summit when in opposition, there were some high expectations. Since they have come to power, however, we have all waited while any evidence-based measures that will actually save lives were pushed under the carpet, including key recommendations from the ice inquiry and the coronial inquest into the deaths of six patrons at music festivals. Even debating pill testing was put on hold, despite the rise in instances of dangerous and fatal substances like nitazenes being found cut into common street drugs. Our unfair driving laws continue to treat people taking legal medicinal cannabis as criminals.

This Government's only new initiative to divert drug users away from the court system, the Early Drug Diversion Initiative, has failed to make a dent, with more than nine in 10 people caught using or in possession of a small quantity of drugs still sent to court. Now the once-in-a-generation opportunity to finally get the reform that experts all agree will save lives is here, but what a disappointment the Drug Summit has been so far. I attended the Lismore session, and I will be at the Sydney hearings in two weeks. So far there has been rushed organisation and a lack of bipartisan input, transparency and information sharing of things like guest lists and information packs. That is either incompetence or a deliberate decision to disempower participants.

The funnelling of people into workshops with broad themes like safety and justice, health and wellbeing, and integrated support services is diluting decades of expertise and knowledge. That is not an exercise in how to write a drugs policy. The people in those rooms have hundreds of years of experience between them when it comes to how to reduce the harm from drugs. This was supposed to be about building consensus on what works. They know what works. They know that the biggest cause of harm is the war on drugs, which treats drug use as a criminal issue instead of a health issue. The law is the problem. If the Minns Government genuinely listens to us at the Drug Summit, there is no other conclusion for it to reach than it is time for drug use to be decriminalised.

### AMAZON WORKPLACE PRACTICES

**The Hon. GREG DONNELLY (14:09):** The size and global reach of the Amazon is, in a word, extraordinary. Since 1 December 1998, Amazon's market capitalisation has increased from \$11.05 billion to \$2.12 trillion as of 18 November 2024. To provide some perspective around that figure, the current aggregate market capitalisation of Australia's five largest companies—Commonwealth Bank of Australia, BHP Group, CSL Limited, National Australia Bank and Westpac Banking Corporation—is \$548.23 billion. The public face of Amazon is well known; it is the company's online retail arm. The other, less well-known arm of the business is Amazon Web Services. AWS provides a range of cloud and IT-related services including data processing and consultancy advice. AWS contributes 67 per cent of Amazon's profits. I note that AWS has a three-year \$57.6 million whole-of-government agreement with the New South Wales Department of Customer Service cluster, through a non-tender direct negotiation. The agreement expires in the middle of 2025.

A key element of Amazon's online retail business is the company's warehousing facilities, known as fulfilment centres. These sites are where orders are processed, packaged and dispatched. They are jam-packed with sophisticated computer technology, conveyor systems and packaging machinery, all designed to continuously eke out from workers literally fractions of fractions of improved productivity. Amazon employs ruthless workplace practices to drive productivity in its fulfilment centres, in clear breach of occupational health and safety laws. It subjects workers to sophisticated anti-union strategies and egregious workplace surveillance. Members do not have to take my word for it. I draw the attention of the House to a letter dated 18 October 2024 directed to Mr Andy Jassy, the CEO of Amazon, signed by 133 members of the United States Congress. Amazon operates its Australian fulfilment centres with the same level of ruthlessness that it does globally. The engagement of workers through a third-party labour hire company, insatiable demands to go faster and faster, unacceptable levels of workplace injuries including exhaustion, and intrusive surveillance practices feature in all Amazon fulfilment centres.

For those seeking further information, I draw attention to the report produced by UNI Global Union entitled *Life in the Amazon Panopticon: An international survey of Amazon workers*, dated January 2023. Much also needs to be said about the operations of AWS relating to contractual arrangements with governments, including the New South Wales Government, and the amount of tax it pays with respect to its Australian operations. I will return to those matters on another occasion. I urge the many people who are preparing to jump on to their computers or mobile devices to scour for bargains at the forthcoming Black Friday sale to spare a thought for the Amazon workers who will make their dream online purchase come true.

### AFGHAN WOMEN AND GIRLS

**The Hon. AILEEN MacDONALD (14:12):** I speak about the ongoing and systematic repression of women and girls in Afghanistan under Taliban rule. It may be happening a long way from Australia, but that does not diminish how reprehensible it is that women and girls in Afghanistan are denied basic rights and freedoms, including the right to education, personal autonomy and participation in public life. How can we not condemn these severe restrictions, which include subjecting them to forced marriages? This is the stuff of the Dark Ages. These are violations of basic human rights. In Australia we take it for granted that we have the rights to freedom, education and dignity—basic liberties that Afghan women and girls have been stripped of. Their voices, dreams and aspirations have been crushed under the weight of a regime that views them as second-class citizens.

As the ABC recently reported, the Taliban's latest decree has banned women's voices in public, and over the past three years the Taliban have waged a relentless campaign to erase women from public life in Afghanistan. I bring it back to those of us here in Australia, because we believe in a woman's right to live freely. I am fortunate to have my voice in this country and, indeed, lucky to be able to use it. How can we not as a Parliament, as a country, speak up for these oppressed women? It is barbaric that they are silenced. We need to speak up for them. We are not talking about privileges; this is about basic human rights. It is inconceivable that girls are banned from school past the sixth grade and women are barred from all professions. Not only are they forbidden from holding leadership roles, but the forced marriages are a sham—sexual slavery masked as matrimony to Taliban fighters.

It is not my style to attack other countries, but as a woman I find it difficult just to stand by, knowing that women in Afghanistan are subject to such atrocities. As humanitarians, how can we accept that these women must ask for permission to simply exist? We in this Parliament know the worth of those fundamental freedoms and we know that nations have gone to war for less. Our country and this Parliament need to stand up and speak up, because if we do not, we relegate ourselves to a blind acceptance. As a woman and a proud Australian, I refuse to turn my back.

### PORT OF NEWCASTLE PROTESTS

**Ms SUE HIGGINSON (14:15):** What part of the Minns Labor Government's war on protest does the Premier think is going well and how does he think it will end? Last Friday the Government imposed a sweeping marine exclusion zone covering the Newcastle Harbour and beaches during the time grassroots organisation Rising Tide is holding its planned "protestival". This exercise of administrative power is dreadful overreach. It is dangerous. It is mean and nasty, and it is a complete lie to say it is about safety. It is about trying to stop a diverse community who are organised, connected and resolute in their protest and opposition against the Government's inaction on climate change and reliance on the fossil fuel economy. It is about trying to stop the young people, the nannas, the artists, the teachers, the carers, the environmentalists, the food growers, the communicators and the hopefuls from coming together to have their best time as they exercise their hopes and their energy in the face of the harm to life as we know it that climate breakdown brings.

It is a movement that has chosen to participate in our democracy in accordance with the long-held and established rules of engagement. They are peaceful, colourful, creative and courageous. The issuing of this exclusion zone notice and the attempt to stop ordinary citizens from entering the waters of this State to play, to

paddle, to exercise or to cool down during the protestival is serious overreach. The Government says it is about safety, but that is a lie and does not bear out in truth. It is not about safety; it is about oppression. It is about the politics of intolerance. It says to the people, "Your rights are not important, and we have more power than you." It is what bullies do. It is the opposite of what inspired, tolerant and caring leaders who understand democracy do when they are faced with resistance and protest. Keeping people safe requires working with them, not trying to squash and hurt them.

The legality of the notice and the act of seeking to exclude all people from these New South Wales waters is questionable. It is not an exercise of power under the law for a proper purpose. Governments do not have unfettered powers; dictators think they do. I suspect the notice is in breach of the rule of law. When a government is at war with the people, it does not go well for anyone. Using the powers of the State against the people in this way is an assault on our democracy. To test the strength of our democracy in this way is wrong. It is like smashing down the walls of your own house. I say to Chris Minns and Jo Haylen that we are watching you both, because this is on both of them.

### DEBBIE O'BRIEN

**The Hon. PETER PRIMROSE (14:18):** I speak today about Labor Party member, friend and former teacher Debbie O'Brien, to pay tribute to her and her work as both an elected councillor to Armidale Regional Council and as a Labor candidate at the 2015 and 2019 State elections. Debbie first stood for the Labor Party as the candidate for the Northern Tablelands in 2015. She achieved a great result for Labor in what is considered by us to be "tiger country". There was not much of the Northern Tablelands that Debbie did not visit during the campaign, including her hometown of Moree. She was regularly heckled during the campaign, as most candidates are. A particularly popular refrain was, "What would your dad think?", to which Debbie would honestly reply, "He'd be proud of me. He votes Labor as well." The heckling soon stopped.

After her first run as a Labor candidate for a State election, in 2017 Debbie was elected to the Armidale Regional Council, made up of the amalgamated Armidale Dumaresq Shire and Guyra Shire councils, as part of the Labor ticket. The first term of the newly amalgamated Armidale Regional Council was quite a bumpy ride. With her natural skill at working with everyone and building alliances, Debbie and a group of dedicated councillors worked together to ensure that the new council was able to deliver for the community and provide stability for the council until the elections in 2021. Debbie was re-elected to council at the 2021 elections as part of the Labor ticket. Susan McMichael was elected along with her. Debbie decided that after two terms on council, she would still run on the Labor ticket for the 2024 council elections, but not in a winnable spot.

Some of the highlights from her time on council include implementing changes to the procurement policy to ensure that local and community suppliers are encouraged to tender and are competitive; developing a process for Indigenous procurement and Indigenous employment; developing a hardship policy that has respect and compassion at its centre; and developing the local housing strategy. Debbie's time on council earned her the moniker, by her councillor colleagues, of the "Minister for the working class and poor people", because of the way she looked at policies and council decisions through the lens of how they would affect people, keeping people front and centre of all of her actions. Debbie embodies what it means to be Labor: fairness, community and always thinking about how decisions will impact others in the community. I wish Debbie well in her retirement from public life.

### COMMERCIAL SURROGACY

**The Hon. SUSAN CARTER (14:21):** We are fortunate to live in a society regulated by the rule of law. Contrary to what some observers of this place may think, it is not the rule of many laws but of law. We recognise that if we live in a system of competing and inconsistent laws, our rights are threatened and our liberty is jeopardised, so we live according to a system in which all laws are harmonised as part of a coherent whole. In that way, our liberty is safeguarded. It is part of our responsibility, in our system of parliamentary democracy, to maintain the coherence of our system of law. Mindful of that, I raise an anomaly that requires urgent correction. The Parliament recently passed legislation—the Equality Legislation Amendment (LGBTIQA+) Bill 2023—which will facilitate the use of overseas commercial surrogates. In debate on that bill, members acknowledged the slavery risks for women inherent in that practice. We recognised the health and other risks inherent in commercial surrogacy, but we still passed the bill.

Last week the Parliament passed the Prevention of Cruelty to Animals Amendment (Puppy Farming) Bill 2024. That bill recognises that a female dog is more than just a puppy producer but a sentient being that deserves our respect. Accordingly, a number of protections have been introduced to improve the welfare of breeding dogs. The bill mandates that all dogs can be identified through their connection with their mother and sets litter limits for breeding dogs. It even puts an upper limit on caesareans. It regulates the conditions in which breeding mothers may be kept and places restrictions on advertising for breeding services. None of those protections apply to

overseas commercial surrogates. We have arrived at the anomalous situation where, with the passage of the puppy farming bill, breeding dogs are now better protected than breeding women. When introducing the puppy farming bill, the Hon. Tara Moriarty said:

Female dogs should not be treated as breeding machines. They deserve to live healthy, fulfilling lives, and this provision ensures that they are not subjected to excessive reproductive demands.

The same is surely true for women, whether they are overseas or living in Australia. It is right to take steps to protect the welfare of dogs. Why are we not also extending the same level of care and protection to women involved in commercial surrogacy? Those women have no limits on caesareans, their connection with their children can be completely erased by a parentage order, they have limited autonomy over their own bodies during their pregnancy and there are no advertising limits or controls. There are no litter limits for commercial surrogates. We know that many women are trafficked into surrogacy slavery. Our own Anti-slavery Commissioner has told us of almost 100 women in one Greek clinic alone. Those women now have fewer rights than breeding dogs.

### THE RABBIT SANCTUARY

**The Hon. EMMA HURST (14:24):** The Rabbit Sanctuary is a non-profit, volunteer-run rescue group in northern New South Wales. Founded in 2008 by Kim Cooney and her late husband, Jim, the sanctuary was established in response to the dire situation faced by abandoned rabbits in Queensland, where strict prohibition laws make it illegal to adopt companion rabbits. In a bid to save those abandoned companion bunnies from being killed, the Rabbit Sanctuary pioneered an agreement with RSPCA Queensland and Animal Welfare League QLD, agreeing to take in any rescue rabbits that end up with those organisations and enforcement bodies. In time, the sanctuary also partnered with RSPCA NSW, and now its volunteer network extends to Canberra and Melbourne as well.

The demand for the sanctuary's services is huge, with companion rabbits across the east coast in need of rescue, rehabilitation and rehoming. In August this year the Rabbit Sanctuary successfully found loving forever homes for 44 rabbits. Poisoned, farmed in battery cages for their flesh and skinned alive for fur, rabbits are the most abused animal on the planet. They have viruses released to kill them, they are used for medical experimentation and they are one of the most abandoned companion animals. They are often used as test subjects for the horrific lethal dose 50 test, in which their bodies are pumped with some chemical until 50 rabbits out of 100 die. They are released, petrified, for hunting. They are used as live bait in illegal dog training. In some cases of intensive breeding, or farming, rabbits will never feel sunshine or grass under their feet, and they are often deprived of the most basic needs, like food, water and shelter. At one rabbit farm in New South Wales, they used to be killed by circular saw.

As for the pet industry, too many people impulsively purchase rabbits, only to abandon them shortly after. Rabbits have a rich and complex experience of the world. They need friends, care, places to hide, places to explore and treats. They need all of the enrichments that any other companion animal needs. Just like other companion animals, they can be wonderful members of a family. I commend the Rabbit Sanctuary for its dedication to those beautiful animals and for taking action when it saw the desperate need for compassion. There are so many rescue rabbits in need of a loving and responsible home. As more people encounter these gentle creatures, I welcome the shift to a safer and more compassionate world for rabbits.

### MAKE AMAZON PAY CAMPAIGN

**The Hon. MARK BUTTIGIEG (14:27):** Make Amazon Pay is a global campaign raising awareness of the atrocious working conditions and wages of Amazon workers. The campaign runs annually during one of the busiest times of year for the retail industry, from Black Friday to Cyber Monday, which this year falls on 29 November to 2 December. In those kinds of periods, Amazon workers are under even more stress than usual to complete every order. In Australia, Amazon workers report a track record of workplace surveillance, anti-union behaviour, poor working conditions and low wages. The Shop, Distributive and Allied Employees' Association [SDA], the Transport Workers' Union [TWU] and the Australian Workers' Union [AWU] are long-time supporters of the Make Amazon Pay campaign and continue to work to unionise all parts of the workforce despite pushback from the company.

The SDA recently brought to my attention the existence of Amazon Web Services, which offers a cloud service to users. Customers of the service include several Federal government departments. The question that the SDA is asking is this: Should we be awarding public contracts to anti-union companies with a track record of mistreating their workers? It is a worthy question to ask, indeed. The answer should be no. The SDA is also calling for reviews on workplace surveillance laws. I thank my colleague the Hon. Greg Donnelly and his union, the SDA, particularly Bernie Smith and Gerard Dwyer, for bringing the issues to my attention. I also congratulate the TWU and the AWU on their ongoing advocacy for Amazon workers. I urge all members to participate in this month's Make Amazon Pay campaign.

It is a disturbing feature of the twenty-first century economy that we are once again seeing the emergence of the corporate goliath. Those corporate giants are hell-bent on using their market power, lack of adequate regulation and anti-unionisation to maximise profits at the expense of social benefits. Amazon has been accused of avoiding taxes around the world. It does so by monopolising markets, eliminating competition and paying workers as little as possible, often under atrocious working conditions. Amazon, in a field of many, is perhaps the exemplar of the modern-day corporate monster. It traverses international borders and attempts to implement its business model in all countries in which it operates, including Australia. All the while, its CEO, Jeff Bezos, is one of the richest people in the world. It is time that we stood up to these giants and regulated the labour market to protect against them. I urge all members to support the important SDA campaign against Amazon.

**The PRESIDENT:** According to the resolution of the House of Wednesday 13 November, proceedings are now interrupted to enable the Hon. Sam Farraway to make his valedictory speech without any question before the Chair.

#### *Members*

### VALEDICTORY SPEECHES

**The PRESIDENT:** I welcome to the public gallery all the friends and family of the Hon. Sam Farraway who are here with us today. I particularly welcome two former members of this place, the current chair of the National Party of New South Wales, the Hon. Rick Colless, and the former Deputy Leader of the National Party, the Hon. Bronnie Taylor. They are both very welcome, as are all the visitors.

**The Hon. SAM FARRAWAY (14:30):** It is a bit of an odd feeling to stand here to do a valedictory speech because, for a lot of people, it is the end of their political career. They close a book, and they move on. For me, it is maybe not quite like that. The good people of Calare will determine that.

**The Hon. Jeremy Buckingham:** Hear, hear!

**The Hon. SAM FARRAWAY:** I have Jez's support and endorsement, so look out! It is a bit odd in the sense that you are here to close part of the book—the first chapter, maybe—whilst at the same time going through what can be best described as a very rigorous job interview. That is obviously with the people of my local community and electorate. Well, ladies and gentlemen, family and friends, what a five years! It has been an absolute privilege to be able to serve as a member of the New South Wales Parliament, the oldest Parliament. From the outset, I say a big thank you to Rick for being here as the current chair, the head office secretariat who are here and, in particular, the governing body of the National Party. Like most political parties, they entrust us to represent the best interests of the people who put us here. They are our political parties but also the voters right across this great State. I am forever thankful for the trust they placed in me.

For five years I have held just about every position in our party room except leader. I do not know whether I want that. I have got enough scars to show for that. Nevertheless, what I would say is that it has been a hell of a ride, to start day one in here. As is tradition in the National Party, when you come in here, on day one you become the Whip. You get the thankless task, at times, of being the Whip or Deputy Whip, sitting in here, basically doing Chamber duty nonstop and making sure everyone is where they need to be. Going from one of the Government Whips to a Parliamentary Secretary to a Minister to a shadow Minister and finishing here as a humble backbencher in opposition has been an absolute pleasure. I will talk about some of the stuff because I think it is important. Everyone has some achievements in this place. Some are better than others; some are questionable and some are not. For me, I want to highlight some of the good stuff that I have been able to do whilst here but also share some stories. Some may find them funny; some may not. But there are some good stories I think are definitely worth sharing.

I would like to start on some achievements and policy areas. Politics aside, I think there were some good things that were achieved under the previous Coalition Government, and I was happy to play my part in some of that. First has to be, on the back of the success of the regional seniors travel card, being able to go to the next step and roll out the university apprentice and trainee travel card to support university students, apprentices and trainees across this State. My sister actually inspired me to design that card. She studied physiotherapy at Charles Sturt University. She was the youngest; she had four older brothers. She was pretty street smart, but that is a different story.

During the disruption of COVID, she had to travel right across New South Wales to complete her training. She came from a family where we all supported each other. She did not need the fuel money. She did not need that extra support, but it highlighted that a lot of her peers and others did. It is expensive going to TAFE. It is expensive becoming a trainee, apprentice or university student, especially in the medical field when you are sent out on prac, whether you are a physiotherapist, a doctor, a nurse or whatever it might be. For me, I always thought, with the support of the then Deputy Premier Paul Toole, about how we could look at rolling this card out,

expanding it and trying to make a difference. We were able to get it at least started. Obviously, there was an election and, without getting too political, those now sitting on Government benches have completely scrapped that program.

**The Hon. Wes Fang:** Shame!

**The Hon. SAM FARRAWAY:** Yes, shame. It is very disappointing. But I think it is important, whilst I have the floor, to try to explain a bit of context about why we designed that card. It was not about pork-barrelling; it was not about buying votes. It was purely driven by the situation that my sister shared with me about how expensive it was for some of her peers and students. It was that little bit of extra support, which is not necessarily means tested, that was there for every single student, trainee or apprentice. That is certainly where that was born.

In December 2021 I get the phone call from Dominic Perrottet and Paul Toole: "You are going to be the Minister for Regional Transport and Roads." It was not actually the job I thought I may have been going to get, to be honest. I notice that Tooley is here. He and Dominic said to me, "It is maybe not what you want, but it is what I need you to do." It has always stuck with me. Who would have thought roads could be interesting? And who would have imagined what followed? It was the end of February and the devastating events of Lismore hit. As a new Minister, which I am sure some of you on the Government benches have experienced, you want to get in there, set your office up and take the world on. You want to achieve everything with the click of a finger, overnight. But once that flooding event occurred in Lismore, I can only say from my experience that I never stopped. I never stopped right up until polling day in March 2023. It taught me about how you need to empower people and be there for communities, and what needed to be done very promptly to ensure that we were able to better connect communities. You needed to ensure that you were on the ground and that the support was there. That is an experience that I will never forget.

I will never forget standing with Steve Krieg—and Janelle Saffin was there—only two or three days after the water had receded in Lismore. It looked like a war zone. I have never seen destroyed roads like I have seen on the North Coast. Some of those roads will probably never be rebuilt. It is a broader conversation. But it was an experience having to hold the hand of and be there to support mayors, general managers, business chambers, local businesspeople, community groups and pensioners. Whoever it was, it was a huge experience to deal with for all of us in government at the time, and newer Ministers in particular. But all things considered, as a government and as a Parliament, we were able to respond. It is always good to be able to reconnect with the people who you dealt with on the ground in those really tough times, to see the improvement that has been made to date.

Another achievement in this place was actually working with Mick Veitch. I do not mind saying this: You learn things from people in Parliament. I learnt quite a lot from Mick Veitch. For all of the newbies, when you come in, if you try to take on Mick, he will school you very quickly. You will go back to your office with your tail between your legs. You will think, "I don't really want him to do that to me again." It was fantastic to be able to work with Mick on the rail trails reform. For a decade rail trails were fraught with danger. No-one really wanted to touch it. The reality is that it is not about ripping up all the rail corridors. It is about preserving rail corridors, making sure that those rail corridors in our State are there in case we need them but, at the same time, better utilising those corridors for sustainable projects that drive tourism in regional areas. We have seen the success of those rail trails on the North Coast and, in time, we will get the right type of rail trail offerings across regional New South Wales with the legislation that was introduced. It was only possible with good work from those across the Chamber. I acknowledge Mick, in particular, who was a driving force from the then Opposition to work with me in that space.

Someone had to deal with the old taxi package that was left by former Ministers, and it was Minister Elliott and I. Whether it was good enough or not, it was the largest assistance package in the country. As a former small business owner, it just had to be dealt with. People could not be left in limbo. At the end of the day, what was delivered hit the mark. I hope that, politics aside, the policy around wheelchair-accessible taxis, particularly in regional communities, is taken seriously by Minister Haylen and Minister Aitchison. People are sharing with me that not enough work has been done in that space. I leave it on record that it is unfinished business and I hope the new Ministers take it up and find some reform in that space to deliver.

Certainly, one of my proudest achievements was the Infrastructure Betterment Fund. That was an Australian first. Nowhere in Australia has government been able to deliver a proper betterment program that addressed the issues after natural disasters. What happened on the North Coast, in particular in Lismore, taught me that if we continue replacing a flooded Richmond River bridge, flood after flood, at some point we should stop building timber bridges over the Richmond River. At some point we should build a concrete structure. We should build a structure that can weather natural disasters so that, when the waters recede, the infrastructure is still there and we can connect communities much quicker. Day in and day out following the start of those natural disaster events, mayors, community leaders, taxpayers, constituents—whoever and everyone—said, "Please, as

Government spending taxpayers' money, deliver and drive better policy around rebuilding transport infrastructure."

At the end of the day, it was clearly evident that the Commonwealth thought we gold-plated the infrastructure, when in fact it was about replacing timber bridges with concrete structures, replacing drainage, building culverts and raising roads. It was very practical stuff. If I ever have my say in Canberra, I will make sure that they do not think it is gold-plating. I have seen firsthand that it is not. Like him or loathe him, the then Deputy Prime Minister Barnaby Joyce helped to deliver that \$300-odd million. ScoMo did not want a bar of it. Barnaby helped to push that through the Federal Expenditure Review Committee [ERC] process, as did the then Premier and Deputy Premier of New South Wales.

By the end of the flooding, in 2023, as I travelled around New South Wales, I was better known as the minister for potholes. It was only appropriate that, through the Expenditure Review Committee process, we delivered the first regional pothole fund for regional councils to start filling potholes. It was essentially a \$50 million trial. We were able to distribute the money and get it out the door very quickly, and it included sealed and unsealed roads. Those who have a little bit to do with roads or who come from the bush would know that never in history have governments delivered money to councils for unsealed roads. If you lived on an unsealed road, it was always at the discretion of your local council whether the grader operators got out there or not.

One of the proudest parts of all this was being able to find a new funding model to deliver road funding. It is something that is done overseas. It is based on the size of road network, so that it is equitable for communities and equitable for local government. If you have a larger network, you get more money. It is pretty simple. There is equity for regional people. It was great to move on and deliver the half-a-billion-dollar commitment—it was delivered prior to the last State election—in new funding with Minister Ward. It was fantastic. Whilst it is important that we talk about metros and the really big stuff in the city, we needed to make sure that we kept delivering simple programs that made a difference for people across the State, particularly in regional New South Wales.

I want to talk about a couple of different projects from our time. Whether it was trying to patch or fill potholes in local streets, so many legacy road infrastructure projects were delivered. But you cannot deliver legacy projects unless you start with a plan and a vision. That is what successive roads Ministers did. That is what was done under the Coalition. I am talking about the little things, like making sure that the last two State highways were fully sealed. This started with Duncan Gay, Melinda Pavey and Paul Toole. I was absolutely honoured to be out at Tibooburra, as Minister, to finish the Silver City Highway. Most people probably do not know much about it, but for communities from Tibooburra through to Warri Gate and anyone who lives on the Cobb Highway, having the highways sealed means that when they get a lot of rain, within a day or so, when the waters recede, they can get out of their farm, whereas with unsealed highways, as they were, they were stranded for weeks. I am proud to say that, under the Coalition, every highway has been sealed.

From small projects filling potholes in the street to the Silver City Highway and the really big legacy infrastructure, whether it be the Coffs bypass, the M1 to Raymond Terrace extension and upgrade or what has been done on the Pacific Highway and the Princes Highway, it all begins with a vision, which turns into a conversation, which turns into a briefing, which turns into an idea, consultation, designs and an ERC submission. You get to the end, and you have something to work with. That leads me to the Great Western Highway.

There are lots of reasons why I have decided to leave this place and put my hand up for the Federal election. One of the most important issues for me to enter public life and politics in the first place was that highway. The reality is that, politics aside, it is a piece of road infrastructure that is inadequate. It does not meet the needs of people in 2024. To this day, I am amazed that the Commonwealth cut the funding for that project and redirected it. All things considered, it is probably the most important east-west connection, road or highway in this country that needs upgrading. A few years ago, when the new Federal Government came into place, I thought, "Oh, they'll kick the can down the road. It'll be right." But at the point when they cut it, I thought, "This needs change."

The Central West—and everyone knows I am from the Central West; I talk about it every day I am in this place—will never realise its full potential anywhere over the sandstone curtain, anywhere west of the mountains, until that road is fixed. We have heavy vehicles travelling over bridges, over Mount Victoria, that were built by convicts. The convicts did a great job, but it is 2024. The reality is that we have trucks climbing a mountain in the middle of winter, with black ice, over a bridge built by convicts. It is not good enough. That certainly spurred me to say, "Well, if you're going to whinge about it, find a solution and put your hand up." As a former roads Minister who started this project that then was cut, I thought, "Well, here I go." That is one of the reasons why I want to put my hand up.

There is no doubt that the cost-of-living crisis is real. The cost-of-doing-business crisis is definitely impacting everyone across this State and country. Whether it be moving the live sheep export ban or the GP

shortage that we spoke about today—unfortunately, I cannot speak in reply on my own motion because of the timing, but Sarah and co. will do that for me—they are just some of the reasons. But the Great Western Highway is something that I care a lot about. It is something that needs to be addressed in my lifetime. I have learned that those in Canberra set that policy. That is where the 80-20 funding split happens. I need to get my arse to Canberra so I can get into the Treasurer's office and get him to cut a cheque. Then I will come and maybe talk to some former colleagues in this place.

Nevertheless, it is now time for some stories. The Upper Hunter by-election was a by-election like no other. We do not need to repeat the story of a Deputy Whip—young, energetic and sitting on the backbench—and the former member for Upper Hunter, who is no longer here. But the then Nationals leader and Deputy Premier, John Barilaro, phoned and said, "Mate, you've got to go to Upper Hunter. We've got to sort this out and hold this seat." Obviously, we were in the midst of COVID. I raise it because it was such an intense by-election. It is one I will never forget. Friends I made from that by-election I will have for the rest of my life. But in the middle of a global pandemic, with a Premier and Deputy Premier committed to winning the seat, I have never seen anything like it.

Walking down the main street of Singleton, pensioners were winding down their windows and saying to Gladys, "You go get 'em, girl. We'll back you 100 per cent." And miners would pull up Barra in Muswellbrook. I raise it because we defied the odds. We really did. We made history with that by-election. I do not mind giving a bit of a roast, but Labor gave a dismal performance. The Shooters were too busy undermining Latham at the time. Turnbull was backing an Independent, which cruelled her chances. I will never forget walking down John Street, the main street in Singleton, when a white Hyundai Elantra came down the street. Down comes the window, and there was this heckling. I turn around, and bloody Mark Latham is heckling me. He said, "Get out of Singleton. This is my country. Get out of here. You're not going to win." I will never forget him in his very humble white Hyundai Elantra. Dave Layzell is a mate. He is doing a great job as the member for the Upper Hunter. That by-election will always be embedded in my mind.

I became a Parliamentary Secretary, which, let's face it, was probably a promotion for the work I did in the Upper Hunter by-election—thank you, Barra. I will tell a story about one of my staff members in the office. Here I am, a Parliamentary Secretary, thinking, "How good is this? I'm going to take the world on. This is great." Lachie in the office drafts a media release. He was new. He was having a go. Grammar is not his strong suit. Poor old Lachie. I was sitting in the corner of the Chamber and he sent me the draft, which was riddled with errors. I think, "That's cool." I fix them and send it back to him. He sends out the media release, but he had sent out the first version. Oh, no. I went up to the office and this poor kid was trying to retrieve emails, and I said, "It's done, mate. It's done." Luckily, Adam Marshall saved me because he gave COVID to everyone in the Strangers' Room the next night. I think one of the Forbes newspapers ran the media release with all the errors in it. I said to Lachie, "Well, it just proves that people don't really read them, do they?"

The next funny story is when I sat in question time today and watched the Hon. John Graham with the old RTBU train disputes. I watched him and thought, "Been there, done that." All I can say to him is if the phone rings, answer it, and do not sleep through the alarm. I will never forget him hauling me before this place to explain why I did not take a phone call that I never got. I had to explain myself. It was all done in the heat of politics and all I can say is been there, done that. Good luck, John. I think Tanya Thompson is in the gallery. We were in Taree doing an announcement around regional seniors travel card rail services. When I pulled up at the Taree train station, it was a bit of a gloomy day. People were everywhere. There were people dressed up as koalas and people were running around. I thought, "What's going on here?" As soon as I got out of the car, a man who was later proved to be a professional protester from Melbourne made some very derogatory remarks about R. M. Williams and the National Party. I headed to the platform.

Just about the entire National Party branch from Forster and Taree and all their supporters were there. The protesters just went off their brains. They were yelling and screaming in front of the camera, literally in my ear. It got to the point where we thought, "There are oldies here, and we don't want someone falling on the platform. This is all too much. We'll go into the terminal." We went into the terminal, but the protesters grew in numbers really quickly and they were pretty good at what they were doing. They barricaded us in the terminal at the Taree train station. I have never really told that story, but it became so severe that the oldies from The Nationals branch in Taree and the local pensioners alliance group were using their umbrellas in a brawl with the environmental activists, and the police had to be called. The assistant commissioner got involved and it all got out of hand very quickly. I will never forget that.

**The Hon. Taylor Martin:** Who won?

**The Hon. SAM FARRAWAY:** The oldies won with the umbrellas. They were into it. I will make a couple of quick Labor acknowledgements. To Premier Minnsy, I appreciate your pursuit of me on behalf of certain people in the Central West. Thank you, Premier, because you lifted my name. When I am no longer in this place, I just do not know what Stephen Lawrence will do with his spare time. I acknowledge Jenny Aitchison, who is

now a Minister. I thank Jenny because she has filled my media monitoring every day for the past 19 months in opposition. I do not know what she will talk about once I am gone from this place. I have a spare campaign hat—apparently, she did not want it earlier—but she can help me doorknock. She has been out in the Central West a bit so we will see if she will take the offer. I am sure Minister Moriarty will miss me heaps in estimates.

Now to the serious part and some real thank you remarks. There is not a lot of grandeur about today. I invited only a few people. My family members are at home replacing batteries in our campaign bus, apparently, because it stopped, so they are all watching online. First, I thank the NSW Nationals central council, some of whose members are here today. Thank you for trusting me to be a representative of the National Party and to have a role as an MP in this place. To the members of the Central West branches in Lithgow, Bathurst, Orange, Mudgee and Wellington, thank you for your unwavering support over the past five years and for everything you do on the ground throughout the region.

To all my National Party colleagues in the party room, we mostly all like each other! But in all seriousness, we are a group of good people and everyone in the party room fights for their community, whether they are a lower House member or an upper House member, or upper House members supporting lower House members. They are all connected to their communities. We have some very robust debates in the party room, and that is the way it should be. I hope it continues. To the Leaders of the National Party I have served, firstly to Barra, thank you. You were such a passionate individual, and no wonder your passion got you into trouble sometimes. But you are a really good guy. Throughout the early years after the 2019 election win, we did a lot of stuff. Good on you because you changed the way a lot of infrastructure was funded, and things just got done in the regions because of your optimism and planning.

To Tooley, who is also my local State member, the work you did for the Great Western Highway should never ever go unnoticed because you did the hard yards in the early years pushing the bureaucrats to come up with a design. You pushed hard in the Expenditure Review Committee and in your negotiations with the Commonwealth to make that happen, and you brought the communities of the Blue Mountains on board. To this day, I still do not know how you did that, but good on you for that. To Dugald, you are doing a great job. It is bloody tough to be an Opposition leader or to be in opposition as a leader of any political party after 12 years in government. It is tough and you are doing a great job. You just need to keep doing what you are doing. You can definitely tell that every time you speak you seem to irritate quite a few Government Ministers. That means you are doing your job, so keep doing that.

I thank my upper House staff, firstly Bec Treloar, who is here with little Annabelle. I would not have ever done much in this place without Bec, who set me up from the beginning. I give a big thank you to Bec because I remember walking in here and thinking, "It is all well and good to win a preselection or an election, but now I am here, what do I do?" You set me on the straight and narrow and you sorted me out. You really set us up for success and you were absolutely instrumental in all of that duty MLC work that we did in the regions. Half the mayors of western New South Wales, and Swiftie out at Eugowra, are still asking if you still work for me and how you are going.

To Lachie Barnsley, thanks mate. Even after that media release, I kept you on. You have done a fantastic job. You are an absolute political warrior. You are fantastic and you have done a great job. You have got a very bright future ahead of you. Onwards and upwards! To the ministerial staff Nat Openshaw, Larissa Mallinson, Michelle Perry, Lachie, Simon Hanna, Charlie Crawford, Pav Pfitzner, Ash, Mila Dilly and Angus Olsen—most of whom are here today—you were an absolute great bunch to work with. You have so much potential. My goodness. In 15 months, we did some work. We got some stuff done. I am so very proud of all of you but I would not have been able to do any of that without your support throughout that time.

To my Labor and crossbench colleagues, I tell people at home that question time is theatre. They go, "Oh, do you all really hate each other that much?" and I go, "No, it's just all a bit of theatre." It is good to have relationships across the aisle. It is good to see each other sometimes outside of this setting and have real, human conversations. We are just people, like everyone else out there. Thank you to everyone. Mark, you are the most entertaining part. I said to someone yesterday that I will miss your entertainment from this dispatch box. It is quite interesting; you still have all the old Labor skeletons upstairs. When they get a bit cocky over there, up comes Mark Latham and the Labor Party shuts up. Keep doing what you are doing.

To all my Liberal colleagues—especially Damien and Natalie—and, in particular, to the new Liberal MLCs who came in at the last election, you are doing an absolutely fantastic job. You have picked it up quickly and you are contributing. You are team players—well done to all of you. It has been impressive and an absolute pleasure to have worked with you, even if only for the past 19 months. To the Clerks—David, Steven and the entire team—one thing that has really amazed me from day one is the level of professionalism from you and your team, the committee staff, the entire Legislative Council staff and the Hansard staff. It is quite amazing, to be honest, that no matter how heated a committee hearing gets or how dysfunctional this place can get at times, if we look to you,

you offer some stability and professionalism. Thank you. I think it is important for you and your team to know that it does not go unnoticed by any of us, to be honest.

To my Nats team and to Sarah, it has been absolute pleasure to work with you. Sarah, you are like a big sister in some ways. Thank you for leading the Nats in opposition and for motivating us in the Legislative Council to keep those questions without notice going and to get our estimates prep done. We have been a great little team and I think that we have performed well in opposition so far. I am sure that whoever replaces me will pick up the mantle and keep going. Tara, there will a replacement unfortunately. Wes, honestly some of the stuff you say—mostly it's good—just makes me laugh. We all get a bit heated in here and all a bit tired towards the end of the week but then you will come out with something and start laughing, and then that sets me off in a fit of laughter. We have been doing that on the backbench for the past few months. It is only a matter of time until we get into trouble. You are a real mate and thank you for all your support.

Scotty, it is great to have you here. I just love that we will have an upper House MP from the Central West. You can pick up where I have left off. A lot of people will be in touch so well done with what you are doing and keep the fight going. You have got to keep the community-based notices of motion going. I set a bit of a KPI here from the Central West so just keep them rolling. To Aunty Bronnie, who is in the gallery today, we have noticed you are not here. I walked past your office and I see Scotty. I have still got your chair on my balcony. We miss you already; we do. You were the glue that kept a lot of us together.

Finally, to a lot of my mates who texted me earlier—I told them not to come because they are busy and they have got stuff on—if I get my backside to Canberra, come to my inaugural speech. In particular, to my family, who are watching, you are very supportive. You are out there doing all the odd jobs in the campaign whilst I am here, including replacing batteries in my van. Mum, Toby, Ben, Liam and Sarah, I could not do it without you. Thank you. Finally, a big thank you to my partner, Tara. As they say, one door closes, so let's see if another opens. Thank you.

*Members and officers of the House stood and applauded.*

#### *Motions*

### **RURAL AND REGIONAL GENERAL PRACTITIONERS**

#### **Debate resumed from an earlier hour.**

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (15:08):** I move:

That the question be amended by:

- (1) Omitting paragraph (2) (b) and inserting instead:
  - (b) consider any recommendations out of the Special Commission of Inquiry into Healthcare Funding to increase funding to Local Health Districts to implement local strategies to support their communities;
- (2) Omitting paragraph (2) (c) and inserting instead:
  - (c) investigate expanding Charles Sturt University's Murray-Darling Medical School model of training regionally based students from the region to practise in the region; and
- (3) Omitting paragraph (2) (d) and inserting instead:
  - (d) commit the Minister for Health to formally engage with the Commonwealth Government to request a review and expansion of the number of rural medical placements.

I request that the question be put separately on each paragraph. I thank the Hon. Sam Faraway for moving the motion. The Government seeks to amend the motion so it can support it. Government members are absolutely in favour of more resources for the regional health, and we particularly acknowledge the important work that regional GPs do. We are committed to tackling the challenges faced by regional communities and improving health outcomes for the more than 2.7 million people who choose to call regional New South Wales home.

When the Special Commission of Inquiry into Healthcare Funding provides its report early next year, we will consider any findings and recommendations relating to strategies to support health service provision to regional communities. The Minister for Regional Health is focused on strengthening the health workforce, including the GP workforce, throughout regional New South Wales. He has spoken at great length about the impacts that GP shortages are having on communities across the State. As both a State and Federal matter, it requires us to work closely with the Commonwealth, and that is what we are doing.

In order to respond to a crisis that was years in the making, it is necessary not just to provide incentives for existing GPs to move to or remain in the regions, but also to train the next generation of GPs and provide the right incentives for them to practise in the regions. There are already a range of initiatives in train. Time does not allow

me to go through every single one of them but, in my capacity as the Minister for Finance, I note that we initiated the \$189 million bulk-billing support initiative. That was the first time that a New South Wales government has intervened to support bulk-billing, to support the important work of GPs in regional and metropolitan areas. The lower threshold for regional New South Wales shows that we understand that those areas face different challenges. We seek to amend the motion and hope to be able to support it. I commend the motion as amended to the House.

**Dr AMANDA COHN (15:11):** On behalf of The Greens, I indicate that we support the motion as well as some of the amendments from the Government. I thank the Hon. Sam Faraway for the opportunity to discuss a critical issue that is personally important to me, not only as a resident and former GP in a region with inadequate health care but also as a graduate of a rural medical school. I graduated from the UNSW School of Clinical Medicine in Albury in 2015. I indicate strong support for paragraph (1), as well as paragraphs (2) (a) and (2) (b). We have had so many inquiries into rural health. Portfolio Committee No. 2 in the previous term of Parliament conducted an extensive rural health inquiry, which received compelling evidence about the solutions that are needed. The other place is now looking into the implementation of its recommendations. We should not have to wait for the special commission of inquiry to run its course to start implementing some of those solutions. We need them now.

Attracting and retaining doctors in the bush is not just about money. Financial incentives help, but so much of it is about having employment opportunities for people's spouses; good schools for their kids; access to sports, recreation, arts and cultural facilities; and all the things about living in a regional community that make people want to live there with their family for an extended period. I encourage the Government and the Opposition to not just think about financial incentives in this case. However, The Greens do not support paragraphs (2) (c) and (2) (d) as drafted and will instead support the amendments moved by the Government. In particular, I commend the outstanding work already being done by rural medical schools in New South Wales, which is not limited to Charles Sturt University.

I know that the Hon. Sam Faraway is running for the Federal seat of Calare. He is neglecting the good work of the University of Sydney, which has a campus in Orange that trains medical students and does good research on issues impacting the people of rural and regional New South Wales. The University of New South Wales had graduates in 2022 who completed their entire medical training in Port Macquarie, and they are now rolling that out in Wagga Wagga from 2021. As I said, I attended the UNSW medical school in Albury. There is also the Broken Hill University Department of Rural Health, where students from the University of Wollongong, the University of Sydney and the University of Adelaide can train. The University of Sydney also has a campus in Dubbo. That work is excellent.

There is strong evidence that training students in the bush as doctors, and giving them a really positive experience during their training, helps to attract and retain doctors in the bush. But the conversation should not be limited to just one university; it should be a partnership with all the really good universities that are doing that work. That is the reason The Greens support the amendments moved by the Government and will then hopefully support the motion as amended.

**The Hon. ROD ROBERTS (15:14):** I thank the Hon. Sam Faraway for bringing the motion forward. It is an important motion for regional people. I also take the opportunity to wish the member well in his endeavours in the Federal electorate of Calare. His contribution focused on Gulgong and the Central West, and it is obvious why. But the situation is widespread; it is not just confined to the Central West. It includes my own city of Goulburn. I am fortunate to have a very good GP, and I give a shout-out to Dr Ivan Wilden-Constantin. Ivan has been my doctor and my family's doctor for over 30 years. He opened his practice in Goulburn in 1991. When we first started going to him at about that time, I remember being able to just ring up, make an appointment and get in. There were four or five doctors in his practice. He is now down to one and the occasional temporary, if he can find one. Our city of 25,000 people is suffering from a lack of GPs as well.

I listened to the contribution of the Hon. Sam Faraway, and he is right that the problem is huge and falls across both Federal and State jurisdictions. It is not a finger-pointing exercise, and I certainly do not condemn the current Labor Government about it. It is a much bigger problem that needs a bigger solution. It has been developing for some time, which I think the Minister said in her contribution. It has not happened in the past 19 months, while Labor has been in government; it has been going for a while. It will take a lot of work to fix, but it is no good pretending it is not happening. Something needs to be done, and that is why it was good for the Hon. Sam Faraway to put it on the agenda.

I do not have the answers because I do not have the levers that the Department of Health has, but it will require a new approach because what we are doing at the moment is clearly not working. We are failing our rural towns and communities. I believe Ryan Park is a good man and a good Minister. I call upon him to work with his Federal counterparts to deliver for country people, whether it is monetary incentives, training opportunities or providing housing in the bush for doctors, which is hard to find as well. It will require some of those things. I do

not want to sound overdramatic, but we are talking about health and early intervention from GPs, so it can clearly become a life-or-death situation. It is very important, it needs a good bipartisan approach and it needs to be addressed urgently.

**The Hon. SARAH MITCHELL (15:17):** I thank the Hon. Sam Farrow for moving the motion as his last as a member of this place. He made a fantastic contribution in his valedictory speech just prior to this debate and in his initial comments about the motion. I know that members are wondering why he has raised the issues specifically concerning the communities in the Central West and the Charles Sturt University Murray-Darling Medical Schools Network, but I completely agree with the comments from the Hon. Rod Roberts that the issues are not new; they are felt right across rural and regional New South Wales.

Like the Hon. Rod Roberts, I am lucky to have a fantastic local GP in Gunnedah, Dr Rob Parsons, whose name I also put on record. He is one of those true local practitioners who help families through their whole life. He was my doctor during my pregnancies with both of my daughters and has been the doctor for people in my family at the end stage of life. The issue in a lot of regional communities is that the local GP role is not really happening in the same way anymore, and there are lots of reasons for that. Those professions and what people want to get out of them evolve. It is tough if people want to run their own GP clinic as a business in addition to being a practitioner. There are a lot more female doctors in the workplace, which is a good thing, but that presents challenges for people who want a work-life balance. I completely respect and understand that.

It is up to the government of the day, of any persuasion. The issues are not new and involve State and Federal matters. But it is important that members keep talking about the issues and look at innovative ways to bring GPs and medical professionals to regional communities. I agree; I really think Ryan Park has his heart in the right place. He is someone members can talk to about issues, and his office is very good to deal with. We all acknowledge that. But we have to start to see the rubber hit the road with the rollout of programs that will make a difference to people's most basic need, which is health care.

I can go to my local hospital in Gunnedah and get excellent service from the nurse on duty, but there is not always a doctor at the hospital. That is the way the model works, and so we have lived with it. But if a person cannot see a GP and also cannot get in to see someone at their local emergency department, it raises concerns about health outcomes. For instance, that impacts on people who need preventative health care, which is obviously the best model. I give a shout-out to Charles Sturt University's Murray-Darling Medical Schools Network. When it is possible to train people from the regions in the regions to become doctors, they are more like to stay. We have to invest in rural medical schools. We have to make that training available. I commend the mover for the motion.

**The Hon. EMILY SUVAAL (15:20):** I join others in commending the mover of the motion and acknowledging his contribution to this place. The Hon. Sam Farrow has given us a parting gift in this very fitting motion about rural health and access to GPs. I support the Government's amendments, as moved by my colleague the Hon. Courtney Houssos. The Government already has a number of initiatives in train. Rural resident cadetships are available for New South Wales medical students interested in a career in rural New South Wales. The Rural Generalist Training Program supports training for junior doctors wishing to combine a career in rural general practice with advanced skills so they can support hospital or acute care services in rural communities. There were 54 rural generalist positions available in 2023. That has increased to 58 positions for 2024 and will increase again to 62 positions in 2025 and 66 positions in 2026.

The Rural General Practice Procedural Training Program provides opportunities for rural GPs to acquire additional procedural skills such as anaesthetics or obstetrics. That is particularly important in regional communities, as has often been discussed in this place. There are 20 positions available in that program each year. The Rural Preferential Recruitment Program supports junior doctors to work their first two years in a rural location. The Rural Generalist Single Employer Pathway, which Dr Amanda Cohn has spoken about many times, is an employment pathway for junior doctors seeking a career as a rural generalist. Trainees on the pathway are employed for up to four years by a regional local health district while completing training in primary care and hospital settings.

As the member outlined in the motion, the Charles Sturt University Murray-Darling Medical Schools Network is training regional students to practise in the regions. It supports doubling the number of rural medical placements it receives. The Australian Government is responsible for allocating and funding the number of Commonwealth supported places at Charles Sturt University, but the State Government and NSW Health would support additional positions in regional and rural New South Wales. Evidence shows that students are more likely to work in rural areas after graduating if they come from a rural background and undertake long-term rural training. NSW Health provides the support for training medical students through the provision of supervised clinical placements and then, after graduation, for doctors in their first two years of pre-vocational training. Finally, I give a shout-out to my colleague the Hon. Courtney Houssos for initiatives in bulk-billing reform, which have also assisted rural GPs.

**The Hon. SCOTT BARRETT (15:23):** Those of us who live in regional areas are all too aware of the health crisis unfolding—we witness it firsthand. We have poorer health outcomes. The prevalence of disease is higher and life expectancy is shorter. The National Rural Health Alliance has quantified the gap in health funding between regional and metro areas. According to its research, those living in regional areas are missing out on around \$850 a year per person in healthcare assets over a range of services. We rely on the communities themselves to bridge the gap. In Nyngan, for example, Bogan Shire Council has established and is running its own medical centre at the expense of ratepayers.

Regional people are contributing more for health services yet receiving less in return. A range of things can be done to bridge the gap. There needs to be increased pressure on the Federal Government to pull its weight, but there are also areas where the State Government can pull levers to make a difference. It has been great to hear the perspectives of members with lived experience, and I thank them for those contributions. However, there is no silver bullet. This is not an easy thing to fix. As I said, a number of things need to happen, including improvements to the vibrancy and liveability of regional towns, although that may seem like a small thing. We recently heard Minister Graham bragging about the vibrancy of Sydney, but I hope he puts the same effort into regional communities.

If we continue to improve the liveability of those towns then they become more attractive to key workers, including health workers. Things snowball quite quickly from there. If we attract more people to those towns, we will be able to attract even more people. Members might have heard me say that regional New South Wales is the best place to live, work and raise a family. I will stand by that statement until the day I die, but we need the State Government to support that idea as well. There needs to be support for local clubs and organisations and support for infrastructure, including parks and sporting facilities. The dual benefit is in making the towns more attractive, including to healthcare workers, and also in making the populations healthier, taking away some of the load on the healthcare system.

Among many other things, we need more support for our regional health system, more support for our local clubs and organisations, and more support for the communities of regional New South Wales. I acknowledge the Hon. Sam Faraway for moving the motion and for his great contribution to this place over the past five years. He has been a great member of the Legislative Council and a great member of The Nationals. I am sure he will also be a great member for Calare.

**The Hon. DAMIEN TUDEHOPE (15:26):** I contribute to debate on this important motion. My father was a country GP, and I grew up in regional New South Wales, albeit within a reasonable proximity to Sydney. My experience of living in regional New South Wales and observing my father in his practice during the '70s and '80s of the last century formed my character in respect of the obligation of hard work. From the earliest hour of the day to whatever time he was called upon, my father was devoted to his patients. He was a dedicated country doctor and gave his life to the town he chose to make his own. In fact, he chose to go to the bush to start his practice and make a contribution to that community.

I recall one famous incident when my father was on the front page of the local newspaper because he was the first local doctor to have delivered triplets at the local hospital. It was unheard of for a country GP to deliver triplets. In general, patients would be referred to a specialist for the delivery of those babies, but he delivered them in the local hospital. He also attended numerous train accidents. It was a railway town and there were issues with the local crossings.

The purpose of the motion is to identify what would attract more GPs to rural locations, and the Hon. Sam Faraway has suggested a number of incentives to attract more people to accept positions in country practices. Each one of the suggestions he has made is worthy of support, whether it is getting rid of HECS fees or assisting local universities to make sure we have enough graduating doctors. They are all levers that the Government has available to it, and each suggestion in this motion is worthy of support. I thank the Hon. Sam Faraway for bringing this, his last motion, before the House.

**The Hon. WES FANG (15:29):** I make a contribution to this debate and pay tribute to my good friend and colleague the Hon. Sam Faraway for bringing the motion. I know that he has now given his valedictory speech, but leaving the House with this motion on the books and ready for debate is important, because it speaks to the heart of somebody who wants to make a contribution to their community. Hopefully, the Hon. Sam Faraway will be going to another place to continue the fight that he has started here, but it is important to note that he is fighting for his community with this motion. It speaks to the need to think about GPs in another way.

When the Coalition was in government a number of things were trialled, certainly in my area. The Hon. Bronnie Taylor was in the public gallery to hear the Hon. Sam Faraway speak today. When she was regional health Minister, she, along with the local health districts, trialled a number of different models to bring GPs into communities. That was so successful that the Federal Government is now rolling that trial out further, but without

acknowledging the work of the Hon. Bonnie Taylor and the Murrumbidgee Local Health District, which is disappointing. I put on record that their work was the start of the opportunity for local health districts and primary health networks to look at recruitment and supply of medical practitioners to rural and regional communities in a way that had not been done before.

We know that part of this problem comes from the Federal Labor Government changing the rules in relation to what constitutes a rural and regional setting. When Anthony Albanese became the Prime Minister, one of the first things he did was change the criteria by which a doctor who comes to this country to provide medical services is able to elect to go somewhere. The Prime Minister changed the criteria so that Western Sydney was considered rural and regional. That stripped the supply of doctors coming to this country from the genuine rural and regional communities, and that needs to be put on record as well. I commend the Hon. Sam Faraway for bringing forward good, practical solutions, and I wish him well in the election shortly.

**The Hon. SARAH MITCHELL (15:32):** On behalf of the Hon. Sam Faraway: In reply: I thank all members for their contributions to this debate. I indicate that the Opposition is happy to support the first two paragraphs of Minister Houssos's amendment but not the third, which strips out the mention of Charles Sturt University and Murray-Darling Medical School. Looking at it more broadly, while I accept there are other great universities doing work in this space, it is not a bad thing sometimes to have motions which specifically call out place-based initiatives.

I know that for the Hon. Sam Faraway, the work that Charles Sturt University is doing through the Murray-Darling Medical School is something he sees the need for within the local community. That is the reason he calls out the doubling of rural medical placements coming through that particular medical school, and that is why the Opposition would prefer that part of the motion stays as is. It is good that we are talking about these issues. We will keep doing so. I know that the Hon. Sam Faraway will keep doing it in whatever capacity he is able. I hope the people of Calare see fit to vote him in as their local member, because I think he would be terrific in fighting for them. In the meantime, the Opposition will keep fighting for services in regional New South Wales, including access to GPs.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** The Hon. Sam Faraway has moved a motion, to which the Hon. Courtney Houssos has moved an amendment. I will put the question on the amendment paragraphs separately. The question is that paragraph (1) be agreed to.

**Paragraph (1) agreed to.**

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** The question is that paragraph (2) be agreed to.

**Paragraph (2) agreed to.**

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** The question is that paragraph (3) be agreed to.

**Paragraph (3) agreed to.**

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

**Motion as amended agreed to.**

#### *Documents*

### **CRYSTALLINE SILICA AIR MONITORING**

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

**The Hon. MARK BANASIAK (15:35):** I seek leave to amend private members' business item No. 1599 for today of which I have given notice by omitting "21 days" and inserting instead "28 days".

**Leave granted.**

**The Hon. MARK BANASIAK:** 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 30 June 2017 in the possession, custody or control of the Minister for Transport, the Minister for Industrial Relations and Minister for Work Health and Safety, Transport for NSW, Sydney Metro or the Department of Customer Service relating to respirable crystalline silica [RCS] air monitoring:

- (a) all documents relating to occupational hygiene exposure assessment reports, exposure monitoring communications reports, or health risk assessments regarding respirable dust or respirable crystalline silica [RCS] in air concentrations, including all reports and spreadsheets containing data, for the following tunnel projects:
  - (i) NorthConnex;

- (ii) WestConnex Stage 1B, M4 East;
  - (iii) WestConnex Stage 2, New M5;
  - (iv) WestConnex Stage 3A, M4-M5 Link;
  - (v) WestConnex Stage 3B, Rozelle Interchange;
  - (vi) Sydney Metro City & Southwest, Tunnel and Station Excavation Package;
  - (vii) Sydney Metro West, Eastern Tunnelling Package;
  - (viii) Sydney Metro West, Central Tunnelling Package;
  - (ix) Sydney Metro West, Western Tunnelling Package;
  - (x) Sydney Metro Western Sydney Airport, Station Boxes and Tunnels Package;
  - (xi) Western Harbour Tunnel, Stage 1 Southern Tunnelling Works;
  - (xii) Western Harbour Tunnel, Stage 2 North Driven tunnels;
  - (xiii) M6 Stage 1;
  - (xiv) Coffs Harbour Bypass; and
  - (xv) Snowy 2.0.
- (b) all of the following documents issued by SafeWork NSW to any person conducting a business or undertaking regarding any matter related to RCS on the tunnel projects listed in paragraph (a):
- (i) warning letters;
  - (ii) improvement notices;
  - (iii) directions;
  - (iv) prohibition notices;
  - (v) penalty notices; and
  - (vi) enforceable undertakings entered into by SafeWork NSW and a person conducting a business or undertaking.
- (c) all documents relating to checklists for Crystalline Silica – Construction (Tunnelling) for the tunnel projects listed in paragraph (a);
- (d) all of the following documents which analyse or describe the range, magnitude, and variability of RCS exposure among tunnel construction workers in New South Wales for the projects listed in paragraph (a):
- (i) incident reports, including action taken;
  - (ii) notice of direction; and
  - (iii) all documents that summarise the information received and describe the actions taken.
- (e) 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.

I stand before the House today to address a critical issue that we now know is an emerging threat to worker health and safety in a variety of industries, that being the exposure to silica dust particles. The work of the Standing Committee on Law and Justice on dust diseases is a classic example of the collaborative nature of committee inquiries. It has done great work in the area of manufactured stone, which led to legislative reform, and I thank the committee for it. It now looks to continue to do similar good work on exposure through tunnelling. I note that the information from this motion will assist the committee in its work and, for that reason alone, I ask members to support it. This call for papers is not some sort of swipe at either Minister. We have worked collaboratively and productively on quite a few matters since the start of this new term, and I note the Minister for Work Health and Safety has made some much needed and significant legislative reforms in a short time. I congratulate her for that.

However, the Australian Workers' Union has been tirelessly advocating for the rights and wellbeing of its workers across New South Wales, and those working to build our underground road and rail networks and other tunnels are no exception. It is worth noting the significant number of tunnels that have been built in this State in the past 13 years. Through the process of the Australian Workers' Union looking into this issue, it has uncovered some significant concerns around exposure to silica dust. The information that has been gathered thus far suggests that a significant number of tunnel workers have been exposed to dangerous levels of respirable crystalline silica [RCS], and those workers, who are the backbone of many of those infrastructure projects, deserve to know the risks that they face and to have the necessary protections in place.

They have made repeated requests under the Government Information (Public Access) Act. However, SafeWork NSW has consistently refused to disclose crucial air monitoring data on RCS levels due to objections from private companies that are concerned about their public confidence. That is disappointing. SafeWork should

be prioritising safety over the feelings or reputations of private companies. Members cannot address or legislate on what they do not know and do not see. When it comes to issues like this, members should learn from the mistakes of the past and not worry about the reputations of private companies. In that regard, the best thing for a company's reputation is doing the right thing by its workers. If it does, it has nothing to be concerned about by this call for papers. I commend the motion to the House.

**The DEPUTY PRESIDENT (Ms Abigail Boyd):** For the benefit of members, I will call the Hon. Rod Roberts first as he is due to be in the chair.

**The Hon. ROD ROBERTS (15:39):** I thank the Hon. Mark Banasiak for bringing this motion forward. Like Ms Abigail Boyd, who is in the chair, I am a substantive member of the Standing Committee on Law and Justice. Part of the committee's role is to look at the workers compensation scheme. It is timely that we are looking at silicosis from tunnelling and quarrying. I look forward to hearing what Ms Abigail Boyd has to say in her contribution very shortly. We know what a problem silicosis is from our previous work on manufactured stone.

There is anecdotal evidence that we may uncover a similar issue in tunnelling, but for the sake of the workers I hope that we do not. We need to do this. I acknowledge the work of Minister Cotsis in this field. I have worked collaboratively with her on worker safety in a number of areas, including on industrial manslaughter just a couple of months ago. It is important that we get the information that the Hon. Mark Banasiak is seeking. It will help us—and particularly the Hon. Greg Donnelly, who is the chair of the committee—in our work to probe deeply into tunnelling and the potential health risks from silicosis for those workers. For that reason alone, I fully support this motion.

**The Hon. MARK BUTTIGIEG (15:40):** The Government supports the order for papers moved by the Hon. Mark Banasiak. I thank him for moving an amendment to extend the time frame from 21 days to 28 days. The Minns Government strongly believes that tunnelling workers should be able to work on sites where the risk of exposure to crystalline silica is managed as safely as possible. Therefore, inquiries by this House into respirable crystalline silica air monitoring in these projects are not opposed. Since coming to government, we have taken strong action to keep safe workers who are at risk of exposure to crystalline silica. Last year, we banned engineered stone.

On 1 September this year, New South Wales was the first jurisdiction to introduce the Work Health and Safety Amendment (Crystalline Silica Substances) Regulation into the Work Health and Safety Regulation. The regulation provides that employers in at-risk workplaces must undertake air monitoring and provide results to the workplace health and safety regulator if they indicate that the airborne concentration of respirable crystalline silica in the workplace exceeds the workplace exposure standards; and mandates health monitoring for workers. Last year the Government passed legislation to establish a silica worker register, and work is progressing to bring that register into place.

I also note that the Standing Committee on Law and Justice is currently reviewing the Workers' Compensation (Dust Diseases) Act, which provides the framework for compensation for occupational dust-related diseases. The Government is eagerly waiting for the report from that review. I acknowledge the advocacy of unions to make work safer in at-risk workplaces. This includes the Australian Workers' Union [AWU], which covers workers in the tunnelling industry. I also acknowledge the interest of Ms Abigail Boyd in this matter. This is a very important call for papers, and I commend the member for bringing it to the House.

It is important that we have access to these records. I have been involved in the electricity industry for many years, including when mesothelioma caused by asbestos fibres was public enemy number one. We had air monitoring in those workplaces, and that was a crucial ingredient in dealing with friable asbestos liberated into the air. Having the proper protective clothing, equipment and breathing apparatus was critical for us to be able to deal with that in a safe way. Engineered stone was the emblematic issue which the Government dealt with first, but tunnelling is just as, if not more, pernicious. I commend the AWU for bringing this matter to our attention. I also commend the member for asking for these records. It is important that we get the information on those worksites for those workers.

**The Hon. CHRIS RATH (15:44):** The Opposition support this motion. I am a member of the Standing Committee on Law and Justice. I was the chair of that committee during the previous Parliament and am now the deputy chair to the Hon. Greg Donnelly. The committee will be exploring these matters very shortly; we have two hearings coming up. I noted with interest the Australian Workers' Union submission to the inquiry, calling for this particular call for papers on SafeWork and dust diseases. If the Hon. Mark Banasiak had not put this motion forward, I was probably going to do it myself in February. I was even considering doing it this week but then found out that the member was doing it. I very much support the motion. The Standing Committee on Law and Justice is an excellent committee, which is multipartisan in many ways. It has a big job ahead of it as it looks at this particular matter. I hope that all members can work together to reach the right outcome.

**Ms ABIGAIL BOYD (15:45):** As the work health and safety spokesperson for The Greens, I speak in support of this order for papers. I acknowledge the advocacy of the Australian Workers' Union [AWU] in agitating for the release of the documents. I gave notice of a similar order for papers yesterday after reading the submissions, and I am glad to see shared concern across the Chamber with regard to the potentially dangerous levels of respirable dust and respirable crystalline silica [RCS], which I am sure I will get better at saying as the inquiry proceeds, in tunnelling projects. In recent years, members have become very well acquainted with the fact that industrial exposure to respirable crystalline silica has been proven to create a serious and unacceptable risk of occupational illness and disease, including silicosis, for workers.

While we have finally made some progress in regulating and banning the use of engineered stone, I and other advocates have repeatedly raised concerns with the New South Wales Government about the dangers present for tunnel, mine and quarry workers. During budget estimates last year, I told SafeWork that my office had been hearing from workers that SafeWork was not inspecting tunnelling sites properly and that protective equipment was not being provided or fitted properly. The responses I received were evasive and shifted much of the responsibility for the issue onto the multibillion-dollar companies that it appears SafeWork is going out of its way to protect. New South Wales has undergone a tunnelling boom over the past decade. This represents an unacceptable level of risk to tens of thousands of tunnelling workers if the highest possible safety standards are not in place and vigorously enforced.

International experience, studies conducted in Queensland and recorded epidemics of silicosis in the past have all demonstrated the high-risk environment in which tunnelling workers operate. Despite this clear and present danger, SafeWork has declined requests made under the Government Information (Public Access) Act by the AWU, which represents tunnelling workers in New South Wales, relating to information in its possession regarding what we know to be concerning levels of RCS exposure among workers. In its reasons for refusal, SafeWork cited the potential negative impact on large construction companies of the release of information which could harm their reputation and their ability to attract workers and win tenders. In applications against the release of information, tunnelling contractors cited concerns that the release of such information would expose them to the potential risk of third-party civil litigation.

SafeWork decided not to avail themselves of exemptions in the work health and safety legislation that authorises the disclosure of information if necessary to mitigate or prevent serious risk to public health or safety. Air quality information provided by other means shows RCS at levels far exceeding the legal maximum workplace exposure standard. Certain examples have shown levels exceeding 20 times the legally permitted amount. I am alarmed about the lack of transparency on air quality data by our workplace safety regulator, and what that says about the Government's ability to hold these big companies to account. Workers have a right to know how risky their workplaces are. I hope this release of information will go some way towards helping us reform the system.

**The Hon. EMILY SUVAAL (15:48):** I speak in support of this motion, and I commend the honourable member for bringing it to the House. I acknowledge the Australian Workers' Union for its advocacy on this issue not only recently but also over a long period of time. I also acknowledge the peak body, Unions NSW. Respirable crystalline silica is a really serious issue. Yes, New South Wales has banned engineered stone, and that is an amazing first step. The Federal ban will also be in place. But there is a legacy impact and we as a government have to do more work. I acknowledge my colleague in the other place the Hon. Sophie Cotsis for her work and leadership on the issue and her unwavering commitment to the protection of workers.

The Government has boosted efforts to identify workers and those who have been exposed to silica dust. A register will be created to monitor and track the health of exposed workers, and consultation regarding that register has recently closed. That is one measure. The Government has also funded a team of dedicated silica inspectors, who have already issued over 100 improvement notices. The statistics around the work that team has already completed are quite startling. In the first two months since inspections began, the new SafeWork NSW Silica Compliance Team has conducted 118 inspections in workplaces, issuing 125 improvement notices and seven prohibition notices. That included a blitz in south-west Sydney in late October where the team conducted over 36 inspections, issuing 47 improvement notices and five prohibition notices. The inspectors focused on dry cutting, the appropriate use of personal protective equipment, and health monitoring.

It is a significant issue, and I commend the Hon. Mark Banasiak for raising it in this place. I also recognise the work that my colleague the Hon. Greg Donnelly will do in chairing the Standing Committee on Law and Justice to seriously look at the issue. We have obviously learnt more about it in recent times. The Government has taken swift action and will continue to monitor and advocate for workers who have been exposed and impacted by that quite significant issue.

**The Hon. GREG DONNELLY (15:51):** I will not extend the debate unnecessarily. A number of the points I was going to raise have been covered by other members, so I will not go through them again. I acknowledge the Hon. Mark Banasiak for bringing the matter before the House as a request under Standing

Order 52 and for his serious prosecution, over a long period of time, of matters affecting workplace health and safety in various contexts. With respect to the motion itself, I refer in particular to paragraph (a), which gives us some stark insights into the amount and size of tunnelling that has taken place in this State over the past decade, with the potential health consequences ranging from mild to very serious—hopefully not fatal—for the workers engaged in those projects.

As honourable members have already mentioned, the Standing Committee on Law and Justice is vested with the responsibility for supervising the operation of the insurance and compensation schemes established under the Motor Accidents and Workers Compensation Legislation Amendment Act 2022. The committee did some very good work in the past two or three Parliaments—including most recently during the previous Parliament, with the Hon. Chris Rath in the chair—to examine the matter in the context of silicosis caused by dust particles from manufactured stone. That has been covered in the debate so far. But that was not the end of the matter; it was the completion only of the most obvious and high-profile manifestation of silica dust affecting workers. Lurking not far beneath the surface—no pun intended—is the work carried out by tunnellers, which goes back a long time.

I draw the attention of the House to the 2024 review of the dust diseases scheme that is currently being undertaken by the Standing Committee on Law and Justice. It is focused on two key areas: first, the support available within the scheme to younger workers, who have to be supported over a long time if they are identified as being impacted by dust disease; and, secondly, other risk areas for silicosis such as those identified in the motion. [*Time expired.*]

**The Hon. MARK BANASIAK (15:55):** In reply: I thank all members who contributed to debate on the motion. I do not like calling it a debate; it was more of a general discussion about an issue that we all recognise is critically important. It is heartwarming when we can identify an issue and collaboratively and cooperatively say, "This is an issue that we need to fix. There is no politics about it. Let's just look at how we can work together to solve this problem." I commend the good work of the Standing Committee on Law and Justice on this issue. I am not a participating member, but I am avid watcher of the review from afar. I wish the committee well in its inquiry, and I commend the motion to the House.

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

**Motion agreed to.**

## GAMING REFORM

### Production of Documents: Order

**Ms CATE FAEHRMANN (15:56):** I seek the leave of the House to amend private members' business item No. 1630, standing in my name on today's *Notice Paper*, by inserting after paragraph (f):

- (g) all documents, including draft documents, relating to the \$100 million harm minimisation fund;

**Leave granted.**

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

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 26 March 2023, in electronic format if possible, in the possession, custody or control of the 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 Department of Creative Industries, Tourism, Hospitality and Sport (Liquor and Gaming NSW), the Premier, the Premier's Department, the Cabinet Office, the Treasurer, the Treasury or the Independent Liquor and Gaming Authority relating to gaming and gaming reforms:

- (a) all documents, including draft documents, relating to the establishment, operations, meetings and deliberations of the Independent Panel on Gaming Reform;
- (b) all documents, including correspondence or draft documents, sent or provided to or by, members of the Independent Panel on Gaming Reform;
- (c) all documents, including minutes, draft minutes or draft communiqués, produced by the Independent Panel on Gaming Reform;
- (d) all documents, including all correspondence or draft documents, relating to the meetings and deliberations of the three independent Executive Committee members on the Independent Panel on Gaming Reform;
- (e) all documents, including draft documents, relating to the selection of the members of the Independent Panel on Gaming Reform;
- (f) all documents, including draft documents, relating to cashless gaming and the cashless gaming trial;
- (g) all documents, including draft documents, relating to the \$100 million harm minimisation fund;
- (h) all documents, including draft documents, relating to facial recognition technology in pubs and clubs; and

- (i) 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 motion is about the cashless gaming trial that was set up by the Government, as well as the Independent Panel on Gaming Reform, and from here on I will use the word "gambling" as opposed to "gaming". It was one of Labor's key election promises. Prior to the election there was a lot of attention on issues relating to pokies. The New South Wales Crime Commission had released its report into money laundering through poker machines. The then Coalition Premier, Dominic Perrottet, committed to making poker machines cashless. Labor did not quite commit to a cashless gambling card, but it did commit to a trial.

In July last year the Government announced that it would establish an independent panel to oversee the cashless gaming trial. The panel is chaired by former Office of Liquor, Gaming and Racing Commissioner Michael Foggo and consists of 16 members. There are three independent executive committee members, including former Labor senator Dr Ursula Stephens and former Deputy Leader of the NSW Nationals and former member of this place Niall Blair. The panel includes industry representatives, harm minimisation representatives and academics, as well as representatives from the United Workers Union, the NSW Police Force and Cyber Security NSW.

The panel has been tasked with coming up with recommendations for the Government around the possible introduction of cashless gaming in hotels and clubs. The panel was tasked with providing advice in the form of a gaming reform implementation road map by November 2024. That is due by the end of next week at the latest. The panel was also to make recommendations to the Government on the use of the \$100 million harm minimisation fund, which we have not heard much about; expanding the self-exclusion register to the whole State and providing for third-party exclusions; the use of facial recognition technology to support enhanced exclusions schemes; as well as other things.

Since the last election, every time that I have asked the Minister for Gaming and Racing questions during budget estimates about any issue relating to gambling—including the reform of the ClubGRANTS program, facial recognition technology and measures to reduce harm—everything comes back to the work of the panel. Yet we have seen in the media that the trial may not be working. In answer to questions that I asked at the most recent budget estimates hearings, we heard that one in every two venues has tapped out of the trial since March. Of 243 people who signed up, only 32 active users remain. People are walking out of the trial all over the place.

Sources are talking off the record about how they feel that the panel is failing in the work that it has been tasked to do. Every member also had to sign a non-disclosure agreement. I note that my colleague Ms Abigail Boyd spoke about that yesterday. It means that harm minimisation experts, such as Wesley Mission, have had to take a slightly quieter approach when it comes to strongly advocating for gambling harm reduction and pokies reform over that time. The motion calls for all of the documents before the Independent Panel on Gaming Reform and documents relating to facial recognition technology. I hope that the Parliament supports the motion.

**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) (16:01):** The Government does not oppose the motion. The member summarised some of the background well. The Government is committed to gaming reform. It is working through addressing gambling harm in a way that balances people's privacy, reduces harm, stops money laundering, and supports local communities, jobs and venues. Prior to the election, there were 11 gaming reform commitments. In 20 months, eight of those commitments have been implemented. That is the advice that I can provide to the Chamber. As the member indicated, there was also a commitment of \$100 million for harm minimisation.

The Independent Panel on Gaming Reform was established in July of last year. It was to both oversee the cashless gaming trial in pubs and clubs and recommend a road map forward. The panel commenced its work in August 2023. I am advised that it will complete its work by the end of the year. The panel oversaw the cashless gaming trial that tested feasibility. There were three technology solutions in 14 venues across the State. The panel is responsible for providing advice to inform the development of the road map. That will include advice on the \$100 million harm minimisation fund; technical and system standards; privacy and data protections that should be adopted in relation to cashless gaming; and other areas of focus to reduce harm, including reducing gaming machine numbers and late-night gaming.

Many of the updates about the panel's work are available publicly on the Liquor and Gaming website, including the terms of reference for the panel and communiques following meetings. As I indicated, the Government will not oppose the call for papers. I note that the panel was established to provide advice. The operations and deliberations of the panel, including draft documents, feed into the advice and the final report. I am

further advised that the Government is yet to receive that advice or report. That is the update that I can provide to members as they consider the issue. The Government does not oppose the motion.

**The Hon. CHRIS RATH (16:04):** I speak on behalf of the Opposition to indicate that it will support the call for papers. The Opposition is concerned about the lack of action on gaming reform. It seems that the Government is in the go-slow lane when it comes to its cashless gaming trial, and the take-up rate has been basically non-existent. I read the other day that there are actually about 500 more poker machines now than there were at the March 2023 election, so I do not know how the gaming reform is going. The Opposition supports the order for papers. Hopefully, we will be able to find out why things are taking so long in the area of gaming reform.

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

**Motion agreed to.**

## CREATIVE ARTS DRAFT SYLLABUS

### Production of Documents: Order

**The Hon. SARAH MITCHELL (16:05):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution all documents created since 1 January 2024 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 or the NSW Education Standards Authority relating to the Creative Arts Year 11-12 draft syllabuses, 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 call for papers. The Opposition is after information from the Deputy Premier and her office, the Department of Education and the NSW Education Standards Authority [NESA] relating to the year 11 and 12 creative arts draft syllabuses. As members would know, there is quite a long process in place for a curriculum review and the implementation of new syllabus documents for all subject areas from kindergarten to year 12. That work started under the previous Government. I acknowledge that it is continuing under the current Government, although at a slower rate.

Over the past few weeks, there has been serious concern about the content of the draft syllabuses that have recently been released for consultation. We have particularly had a lot of feedback from drama and music professionals, teachers, HSC examiners and university academics who are concerned about some of the changes that are being proposed. I note that it is consultation on a draft and that there is still an opportunity for NESA and the Government to make changes in relation to those issues. But one thing that we are not clear on is exactly what has happened in that internal process, particularly within the NSW Education Standards Authority. As a former education Minister, I know that there is often good consultation with expert teachers. They get their opportunity to feed into the process early on, before any draft syllabus is released. For some reason, there seems to be a disconnect between what has been spoken about, what teachers have put forward and what has ultimately been put out for consultation. The call for papers is requesting any documents relating to that process.

The Opposition is also keen to know about any advice that may have been received by the Deputy Premier or her office and any internal briefings relating to the matters. I acknowledge that Maddie from the Deputy Premier's office has been engaging on this and has indicated that the Government will support the call for papers, which I appreciate. It is not a fishing expedition; the Opposition is keen to know what has happened with the formation of the draft syllabus documents and what advice has been given to government in relation to what has been presented.

I acknowledge that the Hon. Jacqui Munro will also move a motion about the syllabuses that we will hopefully get to debate later today. We have been overwhelmed by correspondence. I have had meetings with a number of people who are genuinely concerned about it. Some have been drama teachers and HSC examiners for decades. Some are music professionals or university academics who are concerned that the drafts that are out for consultation will take away some of the key elements of the performing arts. I will speak more about that in the debate on the Hon. Jacqui Munro's motion later. For now, the motion is about getting those documents. I am pleased that the Government has indicated that it will support the call for papers. Hopefully, it will pass smoothly and quickly through the House.

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (16:08):** I indicate that the Government will not oppose the call for papers. We are undertaking curriculum reform, and the NSW Education Standards Authority [NESA] is publicly consulting on draft syllabuses for dance, drama and music for years 11 and 12. The Government and NESA welcome feedback from all stakeholders. NESA's online survey will remain open until 20 December this year. NESA will use the feedback received during the consultation to inform the development of the final syllabus and the assessment and examination requirements. That is part of this particular initiative, but

this Government generally believes that public consultation is a genuine and vital pillar of the work it does. It is certainly a key part of curriculum reform.

The curriculum reform program involves the review and development of more than 100 New South Wales syllabuses. We accept that issues may arise during the course of that process. The reason we have a public consultation process is to test the new ideas that are based on research, to focus on students and to respond appropriately when teachers and broader school communities tell us what works and what does not. It is important that we are open to that feedback and that schools, teachers and school communities are encouraged to participate in that process. I assure the community and the House that I am advised that we will consider all of the feedback as we develop the final versions of the year 11 and 12 drama and music syllabuses and assessment requirements.

There is no doubt that this is a period of historic reform for our curriculum. It is an exciting time. We certainly want to get it right, and that is why we are doing it through a public consultation process. As I said, we welcome participation in that process. If people have concerns, I encourage them to raise them through that process. We want our kids to have the best start possible, and we want to make sure that our curriculum is the best and most rigorous it can be. The Government will not oppose the motion and will support the call for papers.

**Ms ABIGAIL BOYD (16:11):** The Greens will support the call for papers. We are also very much looking forward to the new inquiry on this issue. We commend the Opposition for its work.

**The Hon. SARAH MITCHELL (16:11):** In reply: I thank the House for its support for this call for papers. The only thing I add is in response to the Minister's contribution, which noted that consultation is open until 20 December. Part of the reason why we would like the documents within 14 days is to look through the formation of the initial drafts and understand how we ended up here in the first place. I have heard some feedback from teachers and experts that what is being consulted on is part of the problem. Sometimes we cannot fix something that needs to go back to the drawing board.

During my time as Minister, I worked closely with Paul Martin and the team at the NSW Education Standards Authority. They are very professional, and I have no doubt that they will take into account the feedback. This is important reform. There is bipartisan support for this curriculum change, the first in three decades. It started under the Coalition Government; it was continued by Labor. We have to get it right for our kids and to ensure that the future performing artists that this State is so well known for come through the pipeline. We look forward to receiving the documents. We thank the House for its support.

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

**Motion agreed to.**

#### *Motions*

### **COMMONWEALTH GOVERNMENT COVID-19 RESPONSE INQUIRY**

**The Hon. JOHN RUDDICK (16:13):** I move:

- (1) That this House acknowledges the release of the Commonwealth Government COVID-19 Response Inquiry report on 29 October 2024 and the report notes that the key findings were:
  - (a) people felt they were unable to criticise or question government decisions and policies and how fear based, patronising and heavy-handed communication from political leaders added to the perception that restrictions were not up for debate;
  - (b) that authorities lacked compassion and refused to make exceptions based on need and circumstance;
  - (c) vaccine mandates were described as heavy handed and controlling which lacked scientific justification resulting in people not understanding why vaccines were being mandated for people who were at low risk of being exposed to or of having severe COVID-19;
  - (d) the vaccine mandates were initially enforced in high-risk sectors such as health care and aged care but was then extended broadly to all age brackets across New South Wales, raising ethical and human rights concerns around informed consent in medical decisions;
  - (e) public access and travel restrictions based on vaccine passports were implemented without sufficient evidence supporting their effectiveness in preventing transmission, fostering widespread discontent and opposition to these measures;
  - (f) the report critiques the lack of accessible information on vaccine safety, adverse effects and government support for those who suffered side effects;
  - (g) the COVID-19 Vaccine Claims scheme was noted to be slow, difficult to access with an insufficient compensation cap of \$20,000, raising questions on the adequacy of safeguards;
  - (h) vaccine mandates helped drive vaccine scepticism and hesitancy and contributed to frontline workforce shortfalls that persist to this day;

- (i) that vaccine mandates during COVID-19 appear to have contributed to recent increases in general vaccine hesitancy in Australia and around the world;
  - (j) those sceptical of warp-speed vaccines and those with vaccine hesitations were dismissed and disrespected, which intensified public distrust in government motives;
  - (k) doctors and healthcare workers faced restrictions on discussing risks of COVID-19 vaccines, which limited open medical dialogue and raised ethical concerns about the freedom to share professional opinions;
  - (l) the alternative and low-cost medicines such as ivermectin and hydroxychloroquine were prohibited for use and that this fuelled distrust of government; and
  - (m) vaccine mandates for young people and low-risk populations, such as healthy adults and children, were seen as unnecessary restrictions on freedom.
- (2) That this House apologises to the thousands of public and private sector employees who lost their employment due to vaccine mandates.
- (3) That this House further notes that the State of New South Wales is still enduring record lows in unfilled essential worker positions in education, health and law enforcement.
- (4) That this House calls for:
- (a) the reinstatement of all employees who lost their employment because of vaccine mandates, including John Larter, Justin Poore and Natalie Vassallo; and
  - (b) the compensation of all employees who lost their employment because of vaccine mandates.
- (5) That this House affirms its support for voluntary vaccinations.
- (6) That this House recognises the dangers associated with so-called warp-speed vaccinations.
- (7) That this House apologises to the people of New South Wales for inflicting endless lockdowns which at best merely delayed the virus spreading and at worst contributed to perverse health and mental health outcomes.
- (8) That this House acknowledges that:
- (a) masks play nearly zero positive role in preventing an airborne virus from spreading and that mandating masks was an absurdity;
  - (b) the government mandated rules around masks, social distancing, lockdowns and vaccinations kept changing at a whim;
  - (c) cash payments to individuals and businesses and other endless government spending during COVID-19 is the primary reason why we have since suffered inflation;
  - (d) New South Wales had one of the world's most draconian COVID-19 responses and that this has harmed our international reputation;
  - (e) the former Premier Dominic Perrottet in his valedictory speech said, "It's important to point out one mistake which was made by governments here and around the world, the strict enforcement of vaccine mandates";
  - (f) the former Deputy Chief Medical Officer of Australia Dr Nick Coatsworth has publicly apologised in light of the Commonwealth's report saying, "If there's one thing that we take from this very lengthy report it is to apologise to the people who lost their jobs because of vaccine mandates"; and
  - (g) at every step during COVID-19 the Government with the support of the then Opposition had a default position of choosing extreme options.
- (9) That this House calls for the resignation of the Chief Health Officer of New South Wales, Dr Kerry Chant, who was responsible for what the Commonwealth's inquiry found were the many failings in New South Wales Government's response to COVID-19.

The motion calls for the resignation of Dr Kerry Chant, who served as Chief Medical Officer of New South Wales during COVID. During that hysteria, our political leaders repeated, "We must listen to the experts." That expert was Dr Chant. The Commonwealth recently released its *COVID-19 Response Inquiry Report*. To my surprise the report was not terrible. It was somewhat critical of lockdowns, masks and social distancing laws but, most of all, it was critical of mandatory vaccination. The experts wanted us to believe COVID was on par with Ebola. It was merely a bad flu. We knew in early March 2020, when the data first came out of Italy, that COVID was lethal for people over the age of 80 and people with chronic health conditions. All flus are. COVID was not a pandemic. The fatality rate in New South Wales was 0.19 per cent. That is a little higher than the average flu season.

Prior to COVID, I had taken every vaccine my doctor had ever suggested. I had worked for Pfizer for five months in the late 1990s. I was rightly sacked for chronic underperformance. But when I was at Pfizer, they taught me two things. They said for every 40 vaccines they have in concept, one gets to market. They said it takes 10 years to get a concept to market because of unintended side effects. When I heard about warp-speed vaccines, I remembered what Pfizer had taught me and decided I would rather risk COVID.

Given the rush and given the novelty of mRNA, it was a woeful decision to all but force people to take them. That decision was based on the advice of Dr Chant, who said in August 2021, "My dream is to have us be

the most vaccinated country in the world." In the same month, Dr Chant said, "Modelling suggests that if we can get ... vaccinated, we will break the transmission chain." Then it was, "Now you need two." Then, in July 2022, Dr Chant said, "Disregard everything we've said about two vaccines—you now need three." Then it was one every six months. Then we were told, "You will still catch COVID, but you won't transmit it." That did not work either.

There must be accountability, especially in light of increasing evidence that warp-speed vaccines could be causing harm. There is an escalating debate in medical journals around the world that warp-speed vaccines are harmful. Our health Minister, Ryan Park, recently told Ben Fordham that, without a doubt, people are presenting to hospital with chest pains after vaccination. The New Zealand Government recently reported a 10-fold increase in people under the age of 40 going to hospital with chest pains after the warp-speed vaccination. There is similar data in Queensland. Dr Chant has not released that data in New South Wales. I wonder why not.

If the vaccines worked so well, where is the data showing how poorly the unvaccinated—people like myself—are faring? Of course, it is laughable. We are all going fine. Just this week, the highly respected journal *Science, Public Health Policy and the Law* published a peer-reviewed paper, which concluded, "There is a high likelihood of a causal link between COVID-19 vaccines and death." Dr Chant even advised parents to give six-month-olds regular warp-speed shots, despite not one person in New South Wales under the age of 50 dying of COVID—except for a tiny number with other chronic health problems who happened to have COVID when they passed.

We got everything wrong on COVID. Masks were absurd. A COVID particle is about 100 nanometres in size. The pores in a COVID mask are around 100,000 nanometres. Using masks to stop COVID is like using chicken wire to stop a mozzie. In October 2021 Dr Chant suggested indoor mask wearing for years. A good way to prevent a flu-like virus is getting out and about in the sunshine and fresh air, and doing some exercise. NSW Health admitted in July 2021 that not one person in New South Wales had caught COVID in an outdoors environment. But Dr Chant was the champion of lockdowns, forcing people inside into what were COVID incubators.

There were endless other economic and social disasters caused by the lockdowns, all utterly ignored by Dr Chant. Border closures, social distancing, contact tracing and quarantining were all designed to do one thing: stop the spread. But everyone caught COVID anyway, so all those measures of Dr Chant were abject failures. Dr Nick Coatsworth has apologised, and I applaud him for that. Premier Perrottet has apologised for mandatory vaccinations, and I applaud him for that. Dr Chant has not; it is business as usual. If New South Wales were to face a real pandemic, which I am sceptical about but which is not impossible—these things are random—do we really want the same Chief Health Officer to be the expert in charge? No, we do not. Putting everything else aside, that is the paramount reason why Dr Kerry Chant should resign.

**The Hon. EMILY SUVAAL (16:18):** I lead for the Government and indicate at the outset that it will oppose the motion. I make a couple of comments on the remarks of the Hon. John Ruddick about chest pain presentations during COVID. I am advised that the prevalence and serious health impacts of COVID-19 infection are the key factors to consider when analysing the number of emergency department presentations by people experiencing chest pain during the pandemic. New South Wales public hospital emergency departments saw a rise in presentations for many conditions during the peak of the COVID-19 pandemic in 2021, including people seeking care for lower acuity conditions for which they would normally have seen a GP. This includes a rise in presentations of people seeking care for concerns such as musculoskeletal pain; pleurisy, which is inflammation of the lining of the lungs; pericarditis; and myocarditis—all of which cause chest pain.

The international evidence clearly shows COVID-19 increased people's risk of experiencing a wide range of health concerns. The risk of having pericarditis or myocarditis was significantly higher in people with COVID-19 than people without, with some studies showing four to 16 times the risk, with the disease more severe in people who had not been vaccinated. While some people will have presented to emergency departments due to concerns regarding possible myocarditis or pericarditis following vaccination, the evidence clearly shows vaccination significantly reduces people's risk of severe disease, particularly for those who are immunocompromised, including that associated with myocarditis and pericarditis due to COVID-19.

Despite the higher number of emergency department presentations in 2021, the proportion of people with chest pain who were subsequently admitted to hospital was lower in 2021—around 13 per cent—than before the pandemic, which was around 17 to 18 per cent in the period 2017 to 2019. The number of people who presented to emergency departments with chest pain returned to the expected level around the middle of 2022 as by this time New South Wales had a highly vaccinated population and many people had also developed immunity after having COVID-19. The Commonwealth COVID-19 Response Inquiry report has obviously also found that there is much to be proud of as a nation in our response to COVID-19. Herd immunity, which the member may not be familiar with, was a significant factor in contributing to our success as a nation. For those reasons, we oppose the motion.

**The Hon. NATALIE WARD (16:21):** I lead for the Opposition in debate on the motion and note that we also oppose it. I thank the Hon. John Ruddick for coming to the court with clean hands about his previous employment. I commend him for that. I commend and endorse his ability to bring a motion of this sort to the House and our ability to speak freely about such a significant event—indeed, any event—and not be constrained in doing so. I will also come to the court with clean hands: I was the Minister for Sport, Multiculturalism, Seniors and Veterans during the COVID-19 period. While not responsible for health, I was part of the briefings—multiculturalism, in particular—about the challenges we faced during that time and briefings we received from health experts, including Dr Kerry Chant, for whom I have enormous respect and regard. The hardworking advisers, public servants and people on the front line were dealing with very difficult and unknown circumstances in a one-in-100-year pandemic.

It was a difficult time and people did the best they could with the information they had. That said, we should always look back and learn lessons, and take stock of what did and did not work well during any such challenge. In the view of the Opposition and then Government, New South Wales had a world-leading response to COVID-19. Some of the briefings were—I won't say terrifying—quite confronting and scary. We made efforts to ensure that we could open up as quickly as possible and could relate to communities and stand beside them during those challenging times. We were very mindful of those things. But it was a once-in-100-year pandemic that demanded responses that were unprecedented in modern times. There was no script for it; there was no playbook. Governments did not get everything right during the COVID-19 pandemic. We understand that and we are on record about that. We can learn things from our response as a State.

In my humble opinion, New South Wales did particularly well when compared with other States during that time, in managing communication with the public and with less severe lockdowns. NSW Health acknowledged that we did not get everything right in its public health response report released in May last year, which made a number of recommendations for responding to future pandemics. We commend that. Our nurses, doctors and healthcare workers worked incredibly hard through the pandemic. We should all remember that and keep it front of mind. I give credit to the former health Minister, Brad Hazzard, who was incredible during that time and suffered enormous challenges personally—he and his wife, Nicole—and to Premiers Berejiklian and Perrottet who led us through the pandemic. One of the failings of the Commonwealth inquiry was to exclude decisions taken by States and Territories, which would have provided a broader understanding of Australia's overall response during that time. For those reasons, we oppose the motion.

**The Hon. CAMERON MURPHY (16:25):** I start by commending the Hon. John Ruddick for his enthusiasm in bringing this motion before the House. I have some sympathy for parts of it. It is a lengthy motion—it runs for a few pages—so there is quite a lot to unpack. As a civil libertarian, I can agree with some elements buried within it. But, in essence, I oppose the motion. I disagree with it because it seeks to downplay what is, and was, a very serious illness. I do not know the personal circumstances of the mover or how members of his particular party feel about it, but relatives of mine died from this disease and I have friends who are still suffering from long COVID. Whatever the member thinks, vaccines were an important tool in reducing the severity of the disease, in protecting the community and, ultimately, in turning it into the less serious disease that it is now.

Like many of the other speakers in this debate, I accept that when we are dealing with a one-in-100-year pandemic and unusual circumstances, of course health officials like Dr Kerry Chant, Ministers and governments will make decisions that, when looked at and evaluated in a report like this, with the benefit of hindsight, were the wrong decisions at the time. But people do their best making decisions in challenging circumstances. They had limited information. They did not have a crystal ball and could not look into the future and say, "We're certain that this will work and something else won't." I think that is exactly what they did. The important thing to come out of this report is that there are valuable lessons that governments will learn and can address in the way that they deal with the next pandemic when it comes along. But it does not serve any of us well to downplay very serious illnesses like this one and say that it is nothing more than a bad flu. It is much more than a bad flu. It is something that threatened the nation. We had a response to it that was not perfect but was necessary. I oppose the motion.

**Dr AMANDA COHN (16:28):** The Greens also oppose the motion. There is actually so much misinformation, both in the motion and in the speech given by the mover, that it is not possible to rebut it all in three minutes. But I am grateful for the opportunity to talk about some of my experiences as a frontline health worker during the heat of the pandemic. It is something that has not been discussed at great length yet in this term of Parliament. I am also someone who studied epidemiology before it was stalked about on a daily basis.

When news of the pandemic broke, including what was happening in Asia and the deaths that were happening in Europe, especially places like Italy, for frontline health workers this was terrifying. We saw the data. We saw the signs. We spoke to our colleagues who were working in other countries to hear about what was happening with this terrible, very infectious disease. At that time, I was working as a GP and I also did shifts in emergency departments. My partner was working as an enrolled nurse on the medical ward that became the

COVID ward at our local base hospital. We sat down together and had a conversation about the fact that we might die from our work. We sat down together, we held hands, and we said, "We don't have children. We're going to keep working." We were willing to put ourselves on the front line to continue. We had friends and colleagues. I had a colleague who was pregnant and decided not to work, and I respect her decision. We decided to work because we thought we could die and it was a service we were willing to give to our community.

We waited with absolute bated breath for a vaccine to be developed. When the news came that there was finally a vaccine, I cried tears of joy. Then I had the intense frustration of the Commonwealth Government deciding that GPs were Phase 1b for vaccination. I waited more than six months longer than my partner to get vaccinated. I looked after a baby in the Cowra emergency department who needed air evacuation from Cowra to Westmead Hospital because we thought that baby was going to die in front of us. I have seen COVID and it is terrifying. The response from government was not perfect, but really difficult decisions had to be made really quickly. It is good that those decisions are being evaluated now. It is important. We should be learning the lessons we can from the pandemic. We need to be doing more things now, like ventilation in public buildings and like improving infection controls in hospitals.

But some of those aspects were so important and so positive. Vaccines were important. There is even more evidence now about how important masks are, particularly N95 or P2 respirator masks. We should still be using them in hospitals or in really crowded settings, or we are not going to learn the lessons that we should have learnt. There are apologies that the Government needs to make. The Government should be apologising to the people who are now profoundly impacted by long COVID. The Government should apologise to the loved ones of people who died of COVID. The best thing we can do to honour those people is learn the lessons of the pandemic so that this cannot happen again. It is excellent that the inquiry is happening, and we should be asking those questions in New South Wales as well. I will comment on border closures at another time.

**The Hon. STEPHEN LAWRENCE (16:31):** I speak against the motion, but to an extent I commend the mover for moving it because it does, in some respects, accurately restate some of the findings of the inquiry. It is a good thing to reflect on the COVID response, which was so important for public health and the preservation of human life, but which also impacted so severely on the human rights of all community members. I was a lawyer and a councillor during the pandemic. On occasions, I raised concerns in public about the poor drafting of public health orders in New South Wales and what seemed to me at various times to be overly severe restrictions in some respects. Indeed, in an Evatt Foundation publication in 2020 I expressed the view that the concerns held by people on the broad left and the broad right during the pandemic rather made a bipartisan case for a human rights Act in New South Wales. I am still of that view.

The inquiry report is well worth examination and has many findings and recommendations about future pandemic preparation. It identifies errors made and cautions that tough pandemic response measures, including lockdowns and movement restrictions, are unlikely to be accepted again. The inquiry found that trust in government has been eroded by the COVID response—an erosion that I think is obvious to anyone looking and which I think has played out in every election since. It should be stressed that the report did not find that vaccines do not work or that the various COVID vaccines should not have been rolled out. However, in some respects it is impliedly critical of the extent and duration of vaccine mandates and their extension by State Governments beyond critical sectors. I was particularly pleased to see chapter 5 of the report devoted to "Trust and human rights". The report found that a lack of human-rights-informed decision-making was central to the impact on trust. The report states:

... the evidence suggests that some restrictions were poorly justified in extent and/or duration, disproportionate to the risk and inconsistently applied across the country, and that **specific groups were disproportionately impacted**. These groups included children, older Australians (especially in aged care facilities), Aboriginal and Torres Strait Islander people, culturally and linguistically diverse communities, and people with disabilities. A future pandemic response needs to ensure that the human rights of at-risk groups are central to decision-making.

I am glad the inquiry made those important findings. They do not detract from the positive achievements of the response, but they highlight shortcomings that arose from a failure to put human rights at the centre of decision-making. This is not a question of criticism in retrospect. These were criticisms being raised at the time by various parties. In my view, the enactment in domestic law of international human rights standards offers the only developed, sophisticated and rigorous framework for the protection of human rights. The COVID inquiry report powerfully supports the need for a better human rights framework in New South Wales.

**The Hon. Dr SARAH KAINE (16:34):** I oppose the motion. I will make a few observations. Other speakers have commended the Hon. John Ruddick for moving the motion. While I do not wish to inflame the situation or be particularly critical, I do not necessarily agree with that commendation. I think there are aspects of the motion that are not appropriate, given the situation that we all went through during COVID. We need to put the motion in context. We need to look at the number of deaths, as many members have mentioned already, that were occurring around the world, and we need to remember the deep fear that we all had about the unknown, not

knowing how the virus would spread and how we would contain it. As Dr Amanda Cohn said, we should be prepared to be transparent about decision-making and we should reflect on decisions that we have made. But it is very easy in hindsight to unpick decisions that are made in a very fraught situation.

I acknowledge the contribution to this debate by the Hon. Natalie Ward. I acknowledge that they were difficult decisions and that the then Government must have been, and was, doing its best. I do not agree with all the decisions. I do not think that Western Sydney necessarily came off particularly well, but I do think the Government was genuinely trying to do its best in a difficult situation. What is even more important than that to highlight is that frontline workers and public servants were responding in real time on the ground to a real risk. That was brought very vividly to our attention by the words of Dr Amanda Cohn when she spoke of just how dangerous the situation was for those on the front line.

I reject the motion, except for the aspects about transparency, which is important. I particularly suggest that it really is not appropriate to call for the resignation of those who did a very good job, based on the science and the information that were available to them at the time. Indeed, those people are experts in these types of matters. It is not appropriate to call for their resignation. I ask that we consider how we frame motions, particularly with regards to public servants who did their best in very difficult circumstances.

**The Hon. JOHN RUDDICK (16:37):** In reply: All I can say is this: Is that all they have got? I will not be rude and intrude into the medical records of my colleagues, but I could ask them this: How many people who have spoken against this motion have had their ninth COVID shot? I will bet it is none because they are not foolish. They would be up to their ninth shot because in July 2020 they were meant to have had four shots. Dr Kerry Chant said we were meant to be up to four shots by then and to have one every six months thereafter. That means they are up to nine shots, and I bet they are all anti-vaxxers now, but they will not admit it. I hope I am wrong. I will apologise to the House if I am wrong—if someone can show me they have had their ninth COVID shot. Only about 2 per cent of the population have, and they are probably people in the very high risk range of 90 years old.

The Hon. Emily Suvaal says that COVID caused heart problems. This was the claim by the big pharmaceutical industry, which is the greediest industry on Earth behind the war machine. The Greens used to be very critical of the big pharma industry for many years, but they have all switched now and are running cover for the pharma industry now. I will correct the Hon. Emily Suvaal: Nobody is saying that anymore. That is what they were saying that two years ago. She is very welcome to email me a report. They have gone very quiet on that. They said that COVID was causing heart problems, but no. It is likely it was the warp-speed vaccines. That is what we should call them. They were not vaccines; they were warp-speed vaccines.

The Hon. Natalie Ward said that they did their best. Well, their best was bad. But I do agree with the Hon. Natalie Ward when she said that one of the failings of the Commonwealth report is that they did not address the State's response to COVID. That is very true. I hope that the Opposition will join me in calling for a royal commission, or at least an inquiry of that magnitude, for New South Wales, because that is effectively what she said. The Hon. Cameron Murphy asked, "What about all those people who died?" The average life expectancy in Australia of somebody who died of COVID was higher than the average life expectancy in general. That is a fact. Nobody can deny it. That is how serious the pandemic was.

The average life expectancy is about 86, and the average COVID death is about 87. I am sorry but it was a bad flu. It was a flu-like virus that was a bit worse than usual. I believe Dr Fauci, under Robert F Kennedy Jr and the Trump administration, will face justice and that will trickle down here. Dr Amanda Cohn said that she thought it was terrifying when the data came out in Italy. I thought when the data came out of Italy in March 2020 it was a huge relief that we were not dealing with the Antonine plague or the Spanish flu; we were dealing with a flu. Every winter all around the world people in their mid-80s with chronic health conditions die of the flu. I am not going to get a member to call a division, but one day there will be COVID justice in this place.

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

**Motion negated.**

#### *Documents*

### **LOCAL SMALL COMMITMENTS ALLOCATION**

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

**The Hon. CHRIS RATH (16:41):** I seek leave to amend private members' business item No. 1595 for today of which I have given notice by:

- (1) Omitting "21 days" and inserting instead "72 days".

- (2) Inserting "documents tabled on Wednesday 20 November 2024 and" after "excluding".

**Leave granted.**

**The Hon. CHRIS RATH:** Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 72 days of the date of passing of this resolution all documents, excluding documents tabled on Wednesday 20 November 2024 and any documents previously returned under an order of the House, created since 28 March 2023, in the possession, custody or control of the Premier, the Deputy Premier, Minister for Education and Early Learning, and Minister for Western Sydney, the 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 Treasurer, the Minister for Local Government, the Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources, the Premier's Department, the Cabinet Office, the Department of Planning, Housing and Infrastructure (Office of Local Government) or the Treasury relating to the Local Small Commitments Allocation, 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.

It did not take us long to be back in this Chamber discussing the Government's exposed misconduct in its grants system. It took the Opposition using every avenue of interrogation, including an application under the Government Information (Public Access) Act, known as a GIPAA request, by my friend Matt Cross in the other place, but once the cover was blown and the extent of the malpractice laid bare, the walls started crumbling down. I am, of course, referring to the Government's Local Small Commitments Allocation scheme and to the exclusively reactive approach this Government has taken to probity. Only when pressed on the scheme by the Opposition and the crossbench did the Premier and the Special Minister of State begin to analyse the improper commitments they made during the 2023 election campaign, locking elected members of Parliament out of the process and instead turning a once objective process into an electioneering handout.

The response to the GIPAA request, received earlier this year, was damning. Putting aside the projects themselves, the information revealed that the Government had not conducted an ounce of conflict review at the time that the projects were being insincerely promised to the electorate. Only in October last year, seven months after the projects were publicly announced, did the Premier and the Special Minister of State accept the role of integrity in grants. That is a clear violation of the Government's own commitment to efficient, effective, economical and ethical standards that it outlined in May 2023 when it amended the Government Sector Finance Act.

Let us look at what has been revealed. Fifty-six projects were identified to have a potential or perceived conflict of interest, more than half of the total projects reviewed. Two of the projects were found to have unacceptable conflicts of interest and were immediately cancelled. It is inexplicable that those grants were even promised in the first place. There was \$100,000 promised to an organisation in Tamworth for which the candidate was "active in their governance structure" and \$7,300 promised to an organisation in Drummoyne for which the candidate served on the board. The 28 projects with moderate probity risks were no better. The member for Camden promised \$75,000 to an organisation she co-founded, and the disgraced member for Newcastle promised thousands of dollars to four organisations that he received donations or campaign support from. There are many examples that we know of today, including in Balmain.

**The Hon. Dr Sarah Kaine:** Point of order: The honourable member described a member of the other place in an inappropriate way. I ask him to withdraw it.

**The Hon. CHRIS RATH:** Mr President, I am happy to withdraw the word "disgraced", which was used to describe the member for Newcastle.

**The PRESIDENT:** I thank the member.

**The Hon. CHRIS RATH:** In Balmain and so many other electorates, grants were promised during the election campaign deliberately in exchange for campaign support. That is what we know just at the moment, which is why we need this motion to pass the Parliament. It is also because of the GIPAA application that we know about some of those projects and the lack of probity surrounding them. It is because of that GIPAA application that we need this Standing Order 52 motion, because we know what we are dealing with. The criteria were made to fit the projects, not the other way around. We have only just begun to uncover what is clearly not an efficient, effective, economical or ethical use of taxpayer dollars, as the Government would claim.

Independent public servants should not be forced to contact failed Labor candidates about election promises. That blatant politicisation of the public service has been exposed, and we must learn the full extent of the Government's failed approach. The Minns Government needs to stop treating the Premier's Department like the Sussex Street Labor machine. It is just wrong. The Premier and the Special Minister of State need to ask themselves why it takes a GIPAA request or a Standing Order 52 motion and months of media reporting by *The Sydney Morning Herald* for the Government to begrudgingly start following its own rules and the public's expectations. I thank the Special Minister of State for tabling a range of documents today. We will take a look at

those over the next few weeks, but it is absolutely no substitute for a call for papers. We are giving the public servants plenty of time to come up with those documents. I think it is the most generous request ever at 72 days. 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) (16:47):** I thank the Hon. Chris Rath for that contribution. I must say I disagree with much of it; however, I do agree with his comment that the Government has released many of the documents. In fact, it is stronger than that. As I committed to quite some time ago when the program commenced, I have now completed the release of essentially all of the approval documents. That includes approval documents as well as documents for any projects that were rejected. It includes the guidelines that were adopted and amendments to those guidelines. It also includes all information about the conflict-of-interest provisions for individual projects, tranche by tranche, project by project.

All of it is public. That never occurred under the former Government. Not only that, but this precisely equal program of providing \$400,000 per electorate stands in great contrast to what went on under the former Government. The member has the great benefit of not being around in those days, but if he had been he might take a slightly more careful approach on this matter. The key point is that the Government is committed to members being able to see what is in the documents. They can examine each of the documents that have been tabled and the paperwork that recommends approval or rejection. They can examine how they have been dealt with. That information has been released and it is public now. The member has not been through that documentation yet, which is why the Government opposes the motion on this occasion.

I indicate that the Government will cooperate with the inquiry. That will happen shortly, and that is appropriate. There is no question that a scheme like that should be open to scrutiny by the public and by the House. I make clear that the Government will be highly cooperative with it and all further requests by members. That is why I have taken the approach of putting the information in public. I know that members are interested in it. That is why we have taken that approach. That approach was never taken by the former Government.

I object to the terms in which the Hon. Chris Rath described the role of the public service, and I encourage him to reflect on them. Those public servants are working in a central agency of government of the highest standard. It is not a political role; it is a public service role. I have mainly observed the question through the paperwork that has come through to me, and I have found it to be of a very high standard. If members compare the standard of the paperwork and accountability of the program to some of what we saw through WestInvest—

**The Hon. Mark Latham:** The paper was shredded. It went through the shredding machine.

**The Hon. JOHN GRAHAM:** —or some of what we never saw because it had been through the shredder. If members compare it to those things— [*Time expired.*]

**Ms ABIGAIL BOYD (16:50):** On behalf of The Greens, I indicated that we support the motion. I thank the Hon. Chris Rath for moving it and for continuing to hunt down information about the program. I thank him for working cooperatively to be very generous about what we are asking from the Government. I am on record as being very uncomfortable with the program. Although it has dodged obstacles and is called different things to look like it is not, the program looks and smells very much like pork-barrelling. It was interesting to hear Helen Haines talk about something very similar at the Federal level on the 7.00 a.m. podcast of *The Saturday Paper* a couple of weeks ago. She talked about two programs called the Investing in Our Communities Program and the Priority Community Infrastructure Program. She said:

Now the total amount of money that was in the budget for these programs amounts to \$1.35 billion. That's a lot of money. And these two programs are closed non-competitive invitation only. And they were set up with the express purpose to deliver on promises made during an election campaign when Labor were in opposition.

That is the exact same thing that we are dealing with. She called it out as pork-barrelling. She has referred it to the Auditor-General. The whole design of the program, and the idea that you can go around campaigning, "If you vote for me, I'll give you an upgrade to your sporting facility. If you vote for me, I'll give you a new rowing shed," or whatever it happens to be, is not democratic. I do not care if anyone says it complies with some rules that were developed around it. If you went to the pub and asked somebody whether they thought it passed the sniff test, they would say no. The public does not expect public money to be used during election campaigns to buy votes. That is what the program looks like.

I thank the Hon. John Graham for providing all the information that has been provided so far. Unfortunately, what cannot be provided is the communication, such as emails, about who developed the program and why it was put this way. What has happened in the background with particular candidates? How have they marketed it as part of their campaign? That is what we need to find out from the Standing Order 52 motion well ahead of the inquiry that will be held in February next year. That is why The Greens are supporting the Standing

Order 52 motion. I am a lot less concerned about how the program was implemented once the election occurred than I am about why on earth it was allowed to occur in the first place.

**The Hon. CHRIS RATH (16:53):** In reply: I think the scheme started off with the good intention that, regardless of where you live or what electorate you are in, you will get the same amount of money. I think it is a very good principle that, whether you are in Vacluse or Mount Druitt, Tweed or Albury, you are going to get \$400,000 for your electorate. I think the program started with good intentions, but that is not how it developed over the State election campaign. The period between the Labor Party's election promise that every electorate would get the same amount of money, and October last year, when the probity guidelines were essentially retrofitted around those election promises, is the period that we are most interested in, because it started with good intentions.

I have already referred the program to the Auditor-General and we already have an inquiry established to look at it in the new year. However, the Standing Order 52 motion is important to guide that inquiry so we know which witnesses to call and what questions to ask. I appreciate the documents that have already been provided by the Hon. John Graham today, along with the documents provided as part of the last return last year and the documents that we received a few weeks ago under the Government Information (Public Access) Act. However, we still do not 100 per cent know exactly what we are looking for. Having some of those additional documents will help inform that inquiry process, including the line of questioning and the witnesses we might like to call.

I think the program started with good intentions but went off the rails a bit. The Minister has been given the difficult job of trying to improve or retrofit the scheme after the election, but we need to know what exactly happened in the early days of the Government and during the election campaign. I think the Standing Order 52 motion will lift that veil.

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

**Motion agreed to.**

#### *Bills*

### **INSPECTOR OF CUSTODIAL SERVICES AMENDMENT BILL 2024**

#### **First Reading**

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

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

**Statement of public interest tabled.**

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

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

**Motion agreed to.**

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

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

**Motion agreed to.**

#### *Motions*

### **VIBRANCY REFORMS**

**The Hon. Dr SARAH KAINÉ (16:57):** I move:

- (1) That this House notes that on 24 October 2024, the Government's second tranche of vibrancy reforms passed the Parliament, building communities where culture thrives at night as much as during the day.
- (2) That this House further notes that the second tranche of vibrancy reforms are:
  - (a) tearing up baffling restrictions on licensed venues that include "no entertainment" clauses or dictate what genre of music or even how many musicians can play;
  - (b) enabling more locations to become special entertainment precincts and ensuring new residents have their eyes wide open about the area they are buying in;
  - (c) ending the antiquated rule that prevents people living within five kilometres of a registered club from signing in without first becoming a member; and
  - (d) amending the Major Events Act to make it easier to support foundational events with relaxed rules.

- (3) That this House congratulates the Government for cutting the red tape that has strangled nightlife and beginning to rebuild Sydney and regional centres across the State after a decade of lockdowns and lockouts.

Under the former Government, New South Wales lost more than half its music venues, with just 133 venues registered to participate in incentives with Liquor and Gaming NSW as live music and performance venues across the State in March 2023. Since then, 157 pubs, clubs and other live venues have joined the list, more than doubling the number of establishments that qualify for the extended trading incentives in return for staging live music and backing local musicians. I make a disclosure, which I have made before, that I have a family member who is a lead singer in a band. For the past year or so I have been to a number of those live venues: The Vanguard in Newtown, the Oxford Art Factory, Lazy Thinking in Dulwich Hill, the Bank Hotel, Kelly's on King, Petersham Bowling Club, the Landsdowne Hotel, the Sneaky Possum on Abercrombie Street and the Lady Hampshire on Parramatta Road, to name but a few. Not all of those venues are new, of course. Some have been around since even before I was in university, which was some time ago.

What is important is that because we have other new venues, the existing venues have the space and time to provide a performance opportunity for new bands, such as the one that my son is in. It is important that we acknowledge and continue to move reforms that enliven the live music scene and the night-time economy in New South Wales. The second tranche of the reforms that the motion speaks to are part of the move to reinvigorate the night-time economy. Importantly, those reforms cut the red tape that strangled local nightlife and resulted in a reduced number of venues prior to the current Government taking office. We are trying to cut the red tape for hospitality, retail, arts, culture, tourism, jobs and dynamic local economies in order to support local communities across the State. Communities like Kiama have been crying out for those changes. Kiama has been passionately campaigning for a special entertainment precinct in the town centre.

The good thing about the special entertainment precincts is they can be based around different things, such as a particular area or for a particular part of the year. In Kiama there has been great interest in harnessing a well-known tourist area and making it also known for its music, night-time economy and creative offerings. In June community advocate Katelin McInerney started a petition that garnered the support of not only local businesses but also local councillors. Labor councillors Imogen Draisma and Stuart Larkins moved a motion at the council to support Katelin's petition. I understand that motion was well supported, and it demonstrated the coming together of diverse stakeholders, including community members, councillors, local businesses and the creative community of Kiama to see what they could do to reinvigorate the creative and night-time economy.

The expansion of special entertainment precincts was at the heart of the second tranche of vibrancy reforms, ensuring that councils like Kiama are empowered and supported to balance the competing needs in their communities. A key part of the special entertainment precinct model will be an acknowledgment by residential and business property buyers in official documents that they are moving into an established entertainment zone. When the Minister for Music and the Night-time Economy visited Kiama recently, I was pleased that I could facilitate his meeting with the group to discuss the reforms and how we could make it easier and cheaper to achieve their ambition to move Kiama towards the vibrancy that they crave.

A \$1 million grant program to kickstart more special entertainment precincts will help councils like Kiama establish new precincts, including support to engage staff or expert consultants to undertake strategic planning, look at sound standards and acoustic frameworks, and engage with the local community. With the vibrancy reforms, the grant program and the leadership in Kiama, I hope that it will be one of the first regional areas to have a special entertainment precinct—and I hope Kiama will be among the first of many. I commend the second tranche of vibrancy reforms and the motion to the House.

**Ms CATE FAEHRMANN (17:02):** I will not make a long speech. While I have the greatest respect for the mover of the motion, the motion itself just seems to be an update about reforms that members have already debated. We have all put our views on record. The Minister for Music and the Night-time Economy could have provided the information about how the vibrancy reforms are tracking in a Dixer. I do not think the time for private members' business should be taken up with discussions about how Government legislation is going, even from Government members.

**The Hon. CHRIS RATH (17:03):** I completely concur with Ms Cate Faehrmann. On behalf of the Opposition, I speak in support of this very self-indulgent and self-congratulatory motion. There is no bigger supporter of vibrancy and combatting noise complaints from nimbys than me. New York is known as the city that never sleeps, London is known as the swinging city and Paris is known as the city of lights. What do those cities have in common? They have activity and imagination—unbounded, adventurous, unstoppable activity that shines in the day and soars in the night. I am a big supporter of the second tranche of vibrancy reforms. They will take Sydney a step closer to those other great cities in not being regulated and controlled by nimby noise complaints and other restrictions.

The reforms will give power back to the community, with less government intervention. They will strip the controlling restrictions that dictate how many musicians a venue can hire or even what genre of music can be played. All too often, ridiculous complaints are published in the media—two or three whinging nimbys complaining about a little noise and getting alfresco dining shut down or the hours restricted to before 9.00 p.m., or something like that. It is completely absurd. It is almost impossible to find somewhere decent to eat in Sydney after 9.00 p.m. That is sometimes difficult for those who work in Parliament. We finish late, and when we try to find somewhere to eat in the city, it is impossible. It is ridiculous, and a lot of that is because of unnecessary restrictions from either the State Government or councils.

It is good to revitalize the inner-city areas that have become nimby hotspots and transform them from boring, soundless, uninteresting precincts, stripped of fun and common activity, to flourishing areas that allow communities the freedom to thrive. However, as much as I love the night-time economy, we cannot have much of a night-time economy without a functioning metro and train system. That is not working well at the moment. Another great reform would be to have a 24-hour metro, especially on Thursday, Friday and Saturday. I am in favour of vibrancy reforms—they are a good thing. The Minister is doing an excellent job in terms of the night-time economy. But we need a functioning metro and train system if we want a night-time economy, so the Government needs to do a better job there.

**The Hon. EMILY SUVAAL (17:07):** I speak in support of the motion and thank the Hon. Dr Sarah Kaine for moving it. I was quite impressed by the number of venues she has been to—she is much cooler than me. I talk about some of the nonsensical restrictions that venues have placed on their development consents and what that means for music and entertainment across the State. In pubs, clubs and small bars, "no entertainment" clauses will no longer be enforceable under the Government's reforms. Other restrictions are gone too. In some cases, venues had conditions that dictated what genre of music could be played or how many musicians could perform. Imagine a choir of four being turned away because the venue could only have three people on stage. That is not a hypothetical, but an actual example from the Central Coast.

It gets worse. Other conditions that are now unenforceable include those that stipulate that original music cannot be played. Imagine Thom Yorke walking into a bar and not being allowed to play, while a Radiohead cover band would be totally fine. The same goes for restrictions on dancing, mirror balls or dance floors that can only face a certain direction. Members might think, "Wow, that's just common sense!", but it goes to show just how restrictive the culture in New South Wales had become, particularly after a decade of lockouts and lockdowns.

The reforms build on last year's important work that meant Liquor and Gaming NSW became the lead regulator for entertainment noise from licensed venues, as opposed to up to seven different regulators. The reforms require five different households to complain for a statutory disturbance complaint to be considered, effectively ending the age of single-neighbour noise complaints shutting down venues. They also increased the incentives for venues to host live music and performance, providing discounts on liquor licence fees and extended trading. Over a decade, the State lost music and dancing. The vibrancy reforms are bringing them back, and we are seeing the dividends. The New South Wales Government has doubled the number of music venues registered with Liquor and Gaming NSW since the election last year, and it will keep working hard for communities, creatives and venues across the State.

**The Hon. RACHEL MERTON (17:10):** I support the motion from the Hon. Dr Sarah Kaine, which highlights the second tranche of the Government's vibrancy reforms. I recognise that the measures in the reforms try to improve and simplify the environment to allow for the creation of opportunities for the night-time economy. I commend the intent behind the reforms. However, while I support the motion, in the spirit of the debate, I also raise some community feedback that there remains a disproportionate focus on the Sydney CBD and inner-city areas. The pubs that the Hon. Dr Sarah Kaine named in terms of music bans highlight where some of that focus might be.

I also recognise that Kiama will be part of the discussion, with the allocation of funding that we have just become aware of to help the community realise the vibrancy reforms for its night-time economy. I remind the House about south-west Sydney and greater Western Sydney, which hold untapped potential for further night-time economic development, reform and opportunity. Most members can probably relate to the experience of visiting vibrant migrant and multicultural communities, where events and festivals see small businesses, families and communities coming together to celebrate. We need to have a greater focus on that going forward.

We need to remain committed. Some of reforms are expensive. A lot of small businesses will do the sums and find it is not commercially viable to participate in them. Existing places are already available in the community. We do not need new government grants, buildings or funding. Let us better utilise what is currently available. I mention the Parramatta experience also. The Parramatta Light Rail is still being tested. It is not operating, and that is impacting the Parramatta community and cafes. Alex&Co. in Church Street, Parramatta, employs many young people, but the business is doing it tough. The Canterbury Bankstown Chamber of

Commerce raised that case with me last week. A lot of those commercial endeavours are not viable, and we need to consider that going forward.

**The Hon. STEPHEN LAWRENCE (17:13):** I speak in support and defence of the mover and of the motion itself, because it has been criticised. It has been said that the subject matter is not appropriate. Ms Cate Faehrmann and the Hon. Chris Rath made those contributions, but it is important to say that private members' day is not just for Opposition and crossbench members. It is true, of course, that we could be doing other things with our time. We could be debating various pet causes that members have. We could be debating divisive motions that the Hon. Chris Rath has dreamt up to wedge us on questions like the Middle East. There are plenty of other things we could be doing; it is true. But why would a Government backbencher not want to highlight a substantial achievement of the Government? The Hon. Dr Sarah Kaine is well within her rights, and the motion is very carefully crafted. It certainly puts the focus on the important issue of the vibrancy reforms.

I note that Ms Cate Faehrmann stood up, made her complaint and said nothing else. The Hon. Chris Rath made the same complaint and endorsed all the criticisms that Ms Cate Faehrmann had made, but then went on to make a very worthwhile contribution. He talked about a number of important things, which makes the point that this worthwhile motion brings a focus to important things. Of course, the first tranche of the vibrancy reforms made a significant positive impact. As of 30 September 2024, a total of 429 live music and performance venues had taken up the incentives on offer as part of that first tranche. That is a 77 per cent increase since 12 December 2023, when the vibrancy reforms were announced.

There are significant economic and social benefits associated with a thriving night-time economy. I note that the New South Wales *State of the Scene 2024* report estimated that the live music industry contributed about \$3 billion to the New South Wales economy in 2023 and directly employed over 14,000 workers. Other benefits generated by the live music industry include attracting and retaining industry professionals and talent, increasing tourism, and improving social cohesion and inclusion. I note also that the latest Department of Customer Service sentiment survey results indicate that a greater number of New South Wales residents feel that nights out are getting better rather than worse compared with the same time last year. That also speaks to the successes of the first tranche of reforms. I speak in support of the motion and I commend the mover. It is well and truly a worthwhile use of her time as a Government backbencher.

**The Hon. Dr SARAH KAINE (17:16):** In reply: I acknowledge the contributions of my colleagues. Ms Cate Faehrmann made the point that it was not particularly her cup of tea on private members' day but, reflecting the contribution of the Hon. Stephen Lawrence, we all have different issues we would like to discuss. Some of the things raised by other members may not be the at top of members' priority list, but that does not make them inherently unworthy of consideration or discussion. The Hon. Rachel Merton raised the idea that there tends to be a very Sydney-centric focus to a lot of those discussions, and the opportunity for regional communities to take advantage of the reforms was one of the things considered in bringing the motion before the House. Indeed, that was the point of raising Kiama as an example. I acknowledge that we need to do more and work harder to include in the conversations not only the regions but also Western Sydney, which houses a huge proportion of our population.

I acknowledge the contribution of the Hon. Chris Rath. I also note the contribution of the Hon. Stephen Lawrence, who raised the irony that although it is apparently not a worthwhile motion, there is a lot to say about it. I also acknowledge that many of the contributions spoke about the restrictions that were in place, including on the genre of music that can be played. I worry that if they were to ever come back then my son's band may not have a lot of opportunities to perform.

**The Hon. Jeremy Buckingham:** Name them.

**The Hon. Dr SARAH KAINE:** The Engine—I have already disclosed that. Follow them on Spotify. I also recognise the contribution of the Hon. Emily Suvaal, who again gave an example of the types of situations that the reforms overcome. The idea that a venue cannot have a disco ball is worthy of a joke. That was quite bizarre, to be honest. I stand by the motion. They are important reforms. If members have any doubt that they are needed, important and very much welcomed by communities across the State, they should speak to the community and creatives in Kiama. I commend the motion to the House.

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

**Motion agreed to.**

*Bills***VICTIMS RIGHTS AND SUPPORT AMENDMENT (VICTIMS SUPPORT COUNSELLING) BILL  
2024****First Reading**

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

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

**Statement of public interest tabled.**

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

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

**Motion agreed to.**

**ROYAL BOTANIC GARDENS AND DOMAIN TRUST AMENDMENT BILL 2024****Messages**

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

*Motions***INSTITUTIONAL CHILD ABUSE**

**The Hon. JEREMY BUCKINGHAM (17:21):** I seek leave to amend private members' business item No. 1616 for today of which I have given notice by:

- (1) Omitting paragraph (1) (e) and inserting instead:
  - (e) the diocese appealed to the Court of Appeal of the Supreme Court of Victoria, but the diocese's appeal was dismissed and the court unanimously upheld the primary judge's conclusion that the diocese was vicariously liable for the two assaults committed by Coffey.
- (2) In paragraph (2) (c) omitting "Judges" and inserting instead "Justices".
- (3) Omitting paragraph (3) (e) and inserting instead:
  - (e) The Australian Lawyers Alliance and other legal scholars urged the royal commission to recommend legislative reforms that would align Australia with the United Kingdom and Canada.
- (4) Omitting paragraph (4) and inserting instead:
  - (4) That this House calls on the Government to consider the issues arising in this case and any appropriate amendments that could be made to the law, to enable survivors of historical child sexual abuse to successfully bring claims against the institutions with which perpetrators of that abuse were associated.

**Leave granted.**

**The Hon. JEREMY BUCKINGHAM:** Accordingly, I move:

- (1) That this House notes that:
  - (a) in 1971, at the age of five, "DP" was assaulted and sexually abused at his parents' home in Port Fairy on two separate occasions by Father Bryan Coffey, a Catholic priest from Saint Patrick's, the local parish church;
  - (b) the church was and is within the Roman Catholic Diocese of Ballarat;
  - (c) as the diocese is an unincorporated association and not a legal person, DP instituted proceedings against the diocese through the current Bishop of Ballarat, Paul Bird;
  - (d) the primary judge found:
    - (i) Coffey's work "comprised the 'very essence' of the public manifestation of the diocese and the church in Port Fairy" and he commanded the respect and trust of the local parishioners; and
    - (ii) assessed DP's damages in the sum of \$230,000; and

- (e) the diocese appealed to the Court of Appeal of the Supreme Court of Victoria, but the diocese's appeal was dismissed and the court unanimously upheld the primary judge's conclusion that the diocese was vicariously liable for the two assaults committed by Coffey.
- (2) That this House further notes that:
- (a) the diocese then appealed to the High Court;
  - (b) the High Court decision in *Bishop Paul Bernard Bird v DP* was given on 13 November 2024;
  - (c) Justices Gageler, Gordon, Edelman, Steward, and Beech-Jones found that the diocese was not vicariously liable for the sexual abuse committed by a priest performing pastoral duties on behalf of the diocese;
  - (d) Justice Gleeson found:
    - (i) the relationship between the Diocese of Ballarat and Father Bryan Coffey can attract vicarious liability;
    - (ii) the diocese, nevertheless, is not vicariously liable for the sexual assaults that Coffey inflicted upon DP because those torts occurred in circumstances where Coffey opportunistically took advantage of his role to commit them, and they were therefore not committed during Coffey's performance of his role as assistant parish priest; and
  - (e) Justice Jagot found that there is no proper basis to endorse the extension of the common-law doctrine of vicarious liability that would be required to enable the diocese to be found vicariously liable for the tortious conduct of Father Coffey against the respondent.
- (3) This House notes that:
- (a) in Canada, England, Wales and Ireland the courts have imposed vicarious liability on religious bodies for sexual abuse by priests and members of religious orders in certain circumstances;
  - (b) those courts have recognised that an organisation can be vicariously liable for the torts of persons whose relationship with the organisation is "akin to employment";
  - (c) in Singapore, vicarious liability has also been held to be capable of arising in relationships that are akin to employment;
  - (d) in 2015, the Royal Commission into Institutional Responses to Child Sexual Abuse anticipated that Australian courts, too, would recognise and impose liability on institutions for criminal acts of their members or employees that cause harm to children;
  - (e) the Australian Lawyers Alliance and other legal scholars urged the royal commission to recommend legislative reforms that would align Australia with the United Kingdom and Canada;
  - (f) instead, the royal commission proposed, and Parliament enacted a statutory form of vicarious liability and non-delegable duty intended to address the inequities highlighted by the High Court, but this applies only to victims of abuse that occurred after 2018;
  - (g) former Prime Minister Julia Gillard, who in 2012 established the Royal Commission into Institutional Responses to Child Sexual Abuse, said she was "deeply concerned" about this High Court ruling; and
  - (h) there now exists a distinct two-tiered system of justice in New South Wales and Australia for victims of child sexual abuse by non-employees depending on whether they were sexually abused before or after 2018.
- (4) That this House calls on the Government to consider the issues arising in this case and any appropriate amendments that could be made to the law, to enable survivors of historical child sexual abuse to successfully bring claims against the institutions with which perpetrators of that abuse were associated.

I thank the Government for its amendments, which tidy up my motion, and for its consideration of a very important issue and an area of the law which we must turn our attention to. In 2012 former Prime Minister Julia Gillard announced the decision to establish the Royal Commission into Institutional Responses to Child Sexual Abuse. The royal commission lifted the lid on decades of child sexual abuse that had occurred in Australian institutions. One of the terms of reference was:

- (d) what institutions and governments should do to address, or alleviate the impact of, past and future child sexual abuse and related matters in institutional contexts, including, in particular, in ensuring justice for victims through the provision of redress by institutions, processes for referral for investigation and prosecution and support services.

In its *Redress and Civil Litigation Report*, the royal commission reported on the many difficulties people have faced in litigation when seeking damages for child abuse. Acting on the civil litigation recommendations made by the royal commission, New South Wales introduced the Civil Liability Amendment (Organisational Child Abuse Liability) Bill 2018, which made organisations vicariously liable for child abuse committed by employees and persons akin to employees. However, this only applies prospectively rather than retrospectively. This is grossly unfair. On 13 November 2024, the High Court delivered its judgement in *Bird v DP*. It found that the Catholic Church Diocese of Ballarat was not vicariously liable for the sexual abuse committed by its former priest Father Bryan Coffey in the 1970s because a priest cannot be considered an employee.

As a result of that ruling, it is likely that child sexual abuse which has occurred in other organisations, including other religious groups, scouts, sporting clubs, other youth-oriented programs and, potentially, political

parties, will similarly avoid vicarious liability for abuse committed by non-employee members. This may include the clergy, scout leaders and sports coaches. High Court Justices Gageler, Gordon, Edelman, Steward and Beech-Jones said that "the issue is squarely in the hands of the legislatures". They also said, "Reformulation of the law of vicarious responsibility is properly the province of the legislature"—referring to the various State legislatures. Legal experts warn that the landmark decision could cast doubt over thousands of legal cases against religious orders and other organisations nationwide. Tony Wright recently wrote in *The Sydney Morning Herald* that former Prime Minister Julia Gillard was "deeply concerned about the High Court ruling". She is not alone. The article also states:

Former prime minister Julia Gillard has called on Australia's attorneys-general to urgently consider how to deliver justice to survivors of child abuse after the High Court ruled ...

I have written to both the Premier and the Attorney General, drawing their attention to the need for legislative reform to protect the rights of pre-2018 victims of child sexual abuse. We need to take immediate action to address this issue and to ensure justice for all survivors of institutional abuse. I have been working with legal representatives and Parliamentary Counsel on drafting a bill that I will be bringing to the attention of the Attorney General. I hope that the Government considers either my bill or its own bill to make sure, as the High Court has asked, that we take the necessary action to make sure that this egregious situation is addressed.

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (17:26):** I thank the Hon. Jeremy Buckingham for bringing this important matter to the attention of the House. The Government has been working with him on the amendment, and we support the amended motion. On Wednesday 13 November 2024, the High Court of Australia handed down its judgment in *Bird v DP* [2024] HCA 41. I am advised that the case was an appeal of a decision of the Court of Appeal of the Supreme Court of Victoria. The Court of Appeal found that the Catholic Diocese of Ballarat was vicariously liable for criminal abuse committed by an assistant parish priest, even though he was not an employee, because the facts established that, by virtue of his role, he was an "emanation of the diocese".

I am further advised that the Court of Appeal found that the vicarious liability of the diocese extended to the intentional tort of the assistant parish priest because, by allowing the priest to conduct the business of the diocese, it had given him the opportunity and the occasion to sexually assault a member of the parish. In the *Bird* case, the High Court overturned the Court of Appeal's decision on the basis that in Australia an employer may be vicariously liable for the acts of its employees, but there is no such liability for the acts of those who are not in an employment relationship but are instead independent contractors or in a relationship "akin to employment".

Concerns have been raised about the implications of the decision, and that the High Court's decision is at odds with developments in vicarious liability in other jurisdictions. This includes the United Kingdom and Canada where vicarious liability has been found to exist in relationships that are "akin to employment". However, the High Court noted some of the challenges that the UK has faced with this position. The legal and policy issues arising as a result of this High Court decision are complex. In 2018 the former Government progressed the Civil Liability Amendment (Organisational Child Abuse Liability) Act 2018. The Act commenced on 1 January 2019, and introduced two new prospective liabilities. This implemented the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, in particular recommendations 89 to 91.

Similar reforms were introduced in other States and Territories. The royal commission explicitly recommended that the changes be made only prospectively, noting risks and issues with retrospective change. That model was adopted in New South Wales. Any consideration of the alteration of that position requires careful consideration and consultation with stakeholders, including, importantly, victim-survivors. Further, I am advised that any potential changes to the common law or legislation that extend vicarious liability to relationships akin to employment alone may not be sufficient to extend liability to defendants.

The Government recognises that the recent High Court decision is deeply disappointing for the respondent and other survivors of child sexual abuse. The Government acknowledges the ongoing harm and trauma experienced by victim-survivors of child sexual abuse and is continuing to work to make improvements across the legal system. We are carefully considering the implications of the decision and will consider what legislative reforms, if any, could be progressed to resolve the issues raised.

**The Hon. SCOTT FARLOW (17:30):** This motion canvasses difficult subject matter and very distressing events in the life of DP, who was abused when he was a boy in regional Victoria. But the fact that issues are distressing does not give us reason to ignore them, and so I thank the Hon. Jeremy Buckingham for bringing the motion to the House. The motion also raises difficult legal questions about the nature of the duties that need to be breached before an action in negligence may lie. Those questions have been considered extensively by the Royal Commission into Institutional Responses to Child Sexual Abuse, by this Parliament and by the High Court of

Australia. The royal commission recommended, at recommendation 93, against creating a retrospective non-delegable duty of the kind envisaged by the motion. That is perhaps why this Parliament chose to create a prospective duty, which operates only in relation to events that occurred after 2018.

In the recent decision of *Bird v DP (a pseudonym)*, the High Court maintained the consistent understanding of the existence of vicarious liability and declined to extend it to employment-like situations. In doing so, the court sought to avoid what it declared to be the uncertainty that had been introduced into the area in the jurisdictions of the United Kingdom and Canada. The recent High Court decision is important not just for child abuse cases but for every situation where organisations hire staff in an employment-like relationship, such as contractors and volunteers. That is one of the difficulties that arise in relation to the motion. The motion seeks, in compassion, to reach into a situation that arose in Victoria and to try to ensure that different remedies might be available in New South Wales if similar facts arose here. The difficulty is that, with respect to the law of negligence, we are dealing with a system of law that impacts not just child abuse victims but a range of relationships across the whole of our society, and a range of activities.

Anything we do here will have wideranging impacts on every voluntary organisation, every club and every business that engages an independent contractor. Those impacts need to be considered carefully. They have been considered, particularly by the royal commission, but the motion invites us to consider the issues again and perhaps come to a different conclusion. The area of law is complex and impacts a number of situations outside historic cases of child abuse. Indeed, the broad impacts of any change to the law of duty of care may well be the reason that motivated both the royal commission and this Parliament to decline to introduce a retrospective duty of any kind. It was certainly a major factor in the reasoning of the High Court of Australia. But complexity alone should not preclude us from appropriately considering the issue, especially if justice compels us to do so.

There are existing civil remedies for abuse victims such as DP through the civil National Redress Scheme, established after the royal commission. The system may not be perfect, but it is hard to imagine how we could adequately compensate victims of child abuse. As the Minister outlined, the Government has worked with the Hon. Jeremy Buckingham on the motion. The amendments made by the mover allow the Opposition to support the motion before the House today.

**Ms SUE HIGGINSON (17:33):** On behalf of The Greens, as the spokesperson for justice, I support the motion. I thank the Hon. Jeremy Buckingham for bringing the motion and for his continuous work in this space. Those kinds of injustices need real truth-tellers and advocates for justice in all of the places where justice can be done. The system has failed, and that sometimes happens. The legal system and the complex appeals system do not always work, and that has been made so clear. It is our job, the job of the Legislature, to fix up the bits where the legal system or the court system fail. We have to protect the functions of our system, particularly when we are looking through a justice lens. There could not be a clearer case for us to act—for the Executive to come forward and act. Where is the Attorney General? I see his people in the Chamber, but where is the Attorney General? The High Court decision was handed down. It is a clear matter for the Attorneys-General of all the States and Territories to take action and to do justice.

We are not just talking about redress schemes for the incredible victim-survivors who have waited so long for justice. We are also talking about holding to account an institution that has done grievous harm to young people, some of whom are no longer with us. We have a small window of opportunity to try to get justice for some of the victims whom the system has failed. We know the Catholic Church is responsible. We know the outcome of the Royal Commission into Institutional Responses to Child Sexual Abuse. We know what the lawyers have been saying since 2015. We know that the system of vicarious liability is a problematic system by which to get the accountability and justice that is needed.

It is time. The Attorney General should be on the front foot, telling the people of New South Wales, who know what the path to justice is, that he has the levers and will do his job. After the High Court decision was handed down, the justice spokesperson for the Australian Greens and former member of this place Senator David Shoebridge was quick to contact The Greens justice spokespeople and portfolio holders throughout Australia to ask them to come together to work on a legislative pathway to justice for victim-survivors of such grave injustice. Let us hope that the New South Wales Attorney General will get to his feet and start to do what he knows he must do.

**The Hon. STEPHEN LAWRENCE (17:36):** I thank the Hon. Jeremy Buckingham for bringing this motion to the House. It concerns a really significant decision of the High Court in which the court expressly made the point that reform of the law of vicarious liability is a matter for the Legislature. It is not the first time that the honourable member has brought an issue to the House concerning the vexed issue of the respective rights of victims of historical childhood sexual abuse and of the institutions whom they seek to hold to account, generally for the actions of persons who were part of them. As has been said, the respondent in the case was assaulted and sexually abused at his parents' home in Port Fairy on two separate occasions by a Catholic priest. The issue before

the High Court was ultimately whether the church was vicariously liable for that abuse. The Victorian courts said yes, in essence, but the High Court said no.

I am sure members are aware that the doctrine of vicarious liability provides, subject to certain rules and exceptions, that an employer is liable for the harmful tortious acts of its employees. The fundamental question before the High Court was whether that doctrine should be extended to include priests vis-a-vis the church, them being in what was said to be an analogous relationship to that of employer and employee. It should be emphasised that was a circumstance where the church itself was not found to have been negligent or to have acted unlawfully in some other way and, therefore, it could not be liable on some other basis. The majority held:

Abandoning the threshold requirement of a relationship of employment for the purpose of vicarious liability does not fit within the body of accepted rules and principles. The difficulties that have existed and presently exist with vicarious liability in Australia, and overseas ... do not provide a proper basis for the development of the common law by extension of the threshold more broadly, or to address the specific issue ...

I note that the motion before the House essentially calls for a retrospective law. The High Court dealt with the question of retrospectivity and noted that many of the amendments to the civil liability regime in Victoria, including the insertion of a specific duty on institutions, were not retrospective. In those circumstances, it could not draw on legislative action to inform and change the common law. To reverse the substance of the decision would require a retrospective amendment. The aversion to retrospectivity is a foundational assumption of our legal system and rests on the idea that we are entitled to order our affairs according to law and not have that understanding changed in retrospect, but it does occur. In favour of retrospectivity is the fact that the conduct involved was always unlawful and it is not changing the quality of that in a retrospective way.

**The Hon. JEREMY BUCKINGHAM (17:39):** In reply: I thank all members for their contributions. I thank the Government for its amendment and consideration. I thank Ms Sue Higginson for her contribution. As usual, it was passionate and urging. I join with her in calling on the Attorney General to act on this with some haste. I note that I have spoken to the Attorney General and his office to work with them on this. I am of the understanding that they are awaiting a brief on the issue, and then we will again consider, confer and, I hope, take action in the new year. I thank members. I commend the motion to the House.

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

**Motion agreed to.**

#### *Documents*

### **NORTH COAST MISSING PERSONS**

#### **Return to Order**

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

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

#### *Motions*

### **RALPH SCHULZÉ, AM**

**The Hon. SARAH MITCHELL (17:41):** I move:

- (1) That this House notes with sadness the passing of Mr Ralph Schulzé, AM, on Thursday 14 November 2024.
- (2) That this House acknowledges Ralph was a pioneer of the cotton industry in Australia, with his many achievements including:
  - (a) groundbreaking agronomy trials at the Narrabri Research Station (now the Australian Cotton Research Institute) in 1960, which laid the foundation for modern cotton farming in Australia;
  - (b) his leadership and vision over four decades in research and development, which helped shape a thriving and innovative cotton industry;
  - (c) his pivotal role as the first executive director of the Cotton Research and Development Corporation [CRDC] from 1990 to 2004, advancing research, innovation and sustainability in the industry, and establishing and working with key industry bodies; and
  - (d) being awarded as a member of the Order of Australia in 2020 "for significant service to primary industry through research and innovation in a range of executive roles in the cotton sector".
- (3) That this House further acknowledges Ralph's incredible contribution to the NSW Nationals, providing intellectual leadership, common sense and loyalty during his many decades of service, including as a party vice-chairman, chairman of the constitution and ethics committee and life member.

- (4) That this House offers its deepest condolences to Ralph's wife, Marilyn, and their children, David, Danielle and Sarah Jane, on his sad passing.

I speak on behalf of the NSW Nationals to note and offer our condolences for the passing of Ralph Schulz  just last week, on Thursday 14 November 2024. Many of us in The Nationals knew Ralph for a long period of time. I think that all members in this place, as members of political parties, would know that some people are the glue that holds their party organisation together. Those people have been in the party for many years and are well respected and loved by the party membership. Ralph certainly was that for the NSW Nationals for many decades. When I was considering my contribution today, I was reflecting about how I first got to know Ralph. I first met him in 2005. I had been at university in Sydney and moved back to Gunnedah to work for then Federal member John Anderson. Ralph and his wife, Marilyn, were strong members of the Narrabri branch of The Nationals. I met him towards the end of 2005 and had the joy of knowing him for almost 20 years.

Ralph had a presence. He had respect from everybody in the party organisation. That was evident from day one. Not long after meeting him, I chatted to my mum about coming across Ralph and Marilyn at one of our National Party branch events. Mum said, "I know them." It was not that she knew Ralph, but she knew Marilyn because my mum used to own a boutique in Gunnedah called Mags, and Marilyn used to come over from Narrabri to Mum's shop. She said, "She was a great client. They are a really lovely couple." That is an example of how small country towns connect. My parents were not political at that stage—they were not members of the party—but they knew Ralph and Marilyn from that association.

I remember working with Ralph. The first thing that we were involved in together for The Nationals was the redistribution of the Federal division of Gwydir back in 2007. Ultimately, the division of Gwydir was abolished and replaced by the Federal division of Parkes. As locals, we had a lot of concerns that a division that had existed since Federation was being abolished. The division of Parkes was being expanded to a huge size and is now even bigger. As a party, we fought hard to make sure that our voices were heard.

The Australian Electoral Commission held a hearing at the Crossing Theatre in Narrabri, and I was lucky, as a young person in the region at the time, to talk about what it meant to not be able to access your local MP and how tough that was. Ralph was so wonderful in the advice that he gave to me. I remember talking to him about that contribution, what I should say and how we should frame the argument. He was very clear about the fact that it is a fundamental right for people to have access to their local representative and that we deserve equity and fairness in regional New South Wales. Throughout that process, I saw Ralph's passion to fight for what is right during my early days of knowing him. I saw that over the many years that I had the pleasure to know him.

Ralph had an extensive history in the cotton industry, which I think other members will talk about in their contributions to the debate. The work that he did in cotton research was pioneering. The cotton industry now underpins communities like Narrabri and Wee Waa, and Ralph was one of the first agronomists to lay the foundation for modern cotton farming in Australia. He spent time working in the United States, which, interestingly, gave him a view about how politics should operate. It was a first. To be doing research and agronomy trials in 1960 was groundbreaking and is something that we should acknowledge and honour. Ralph was awarded as a member of the Order of Australia for that work. Those kinds of icons and pioneers deserve to be acknowledged. Ralph will be a huge loss. I know that the cotton industry is mourning his passing, given the incredible work that he did.

In the brief time that I have left, I mention that the party roles that Ralph held were phenomenal. He was a vice-chairman and a life member of the National Party. That is not awarded lightly in the National Party; it is the highest honour that a person can be given. It shows the great esteem in which he was held by members of the party. I worked closely with him for the past 15 years or so on the constitution and ethics committee. He was a chair of that committee and was a member since its inception, which is close to 50 years. It is arguably the most important committee within our party. It is about making sure that we act with integrity on matters related to our constitution and our ethical values.

In all the years that I worked with Ralph, he never got it wrong. We would go back and forth, arguing the toss over what we should do, and he would articulate it in two sentences. He was always right and then we moved on. I will never forget that. He was the most wonderful man. We will miss him terribly within our party. He was honest, intelligent and compassionate. We send our deepest love and condolences to Marilyn and their children, David, Danielle and Sarah Jane. Ralph may be gone, but he will never be forgotten. His legacy will live on.

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (17:46):** I speak on behalf of the Government in support of the motion. I acknowledge the connection and significance of Mr Ralph Schulz  to the National Party. I also acknowledge his passing on behalf of the Government. The Australian Cotton Research Institute [ACRI] is located between Narrabri and Wee Waa, in the centre of New South Wales's primary cotton production area. Research

activities there have played a key role in the development of cotton in New South Wales and Queensland. Scientists at ACRI are assisting the cotton industry to develop a sustainable future based on productivity and best-practice natural resource, disease and pest management.

Mr Schulzé started as an agronomist in 1960 at the then newly opened Narrabri Experiment Farm, which is now the Australian Cotton Research Institute. His pioneering work helped lay the foundation for modern cotton farming in Australia. His research, development and extension work, both domestically and internationally, over the next 40 years was instrumental in shaping the industry. Mr Schulzé later served on a number of cotton-related boards devoted to improving the sustainability of the industry. He was the founding board member of Cotton Seed Distributors from 1967 for over 30 years and was a founding member of the Co-operative Research Centre for Cotton. He was also a member of the organising committee of the International Cotton Advisory Committee between 1986 and 2000—quite an innings—and was the convenor of the first World Cotton Research Conference in Brisbane in 1994. He was the first executive director of the Cotton Research and Development Corporation, from 1990 to 2004. That history alone will give people an idea of his contribution to the sector over many decades.

Mr Schulzé was a committee member of the Australian Cotton Conference for 22 years and was the chair in 2000. He spent a lifetime building and shaping the cotton industry. In 2015 he was made a Member of the Order of Australia for significant service to primary industry through research and innovation in a range of executive roles in the cotton sector, and in recognition of his significant role in the development of the industry in the north-west of New South Wales and his commitment to research in cotton. It is important that we recognise his life and his contribution to the sector. I again acknowledge his contribution to the National Party.

**The Hon. SCOTT BARRETT (17:49):** Like all political parties, The Nationals have a number of figures in their short- and long-term history whose presence looms large over the modern activities of the party. Above them sit the likes of Ralph Schulzé. Ralph passed on 14 November and the news of his loss was met with sadness throughout the National Party family. I was not one of the lucky ones who knew Ralph very well but, from my early days of involvement with The Nationals, I was well aware of his presence and his contribution to the party.

Ralph was a life member, the vice-chairman for many years, a trustee, a long-term central councillor and a member of the Constitution and Ethics Committee right up until his passing. His influence and contributions to local branches and electorate councils were extensive and invaluable. Despite recent ailing health, Ralph rarely missed local meetings. An oracle on the governance and history of the party, he was always more than happy to share his knowledge. He constantly engaged young people, encouraging them to not only join the party but also make contributions and be part of the political process on behalf of regional Australia.

During debates at those meetings, Ralph would listen intently. Then, and only if he felt the need, he would speak with great authority, based on extensive knowledge about precedent within the party and lessons learned from our history. Yet he was never one to stand in the way of progress and change. That was demonstrated by his embrace of new technologies that allowed him to continue participating in meetings remotely as physical attendance became more difficult.

That embrace of progress is also evident in his impact on the cotton industry, with his fingerprints on the establishment and success of numerous representative and research bodies. As the first executive director of the Cotton Research and Development Corporation, he was one of the forces behind the development of the cotton industry in the Namoi in the 1960s. There are very few organisations he was not heavily involved in during that time. Though Ralph is gone and will be sadly missed, his legacy will not fade. His contributions will forever be a guiding light to The Nationals and others in regional Australia. He was a gentle, decent, articulate and well-loved man. I pass on my condolences to his family and acknowledge his massive contributions and achievements and a life well lived.

**The Hon. WES FANG (17:52):** I contribute to debate and put on record my fond memories of Ralph Schulzé and his contribution to the party. Both of my colleagues, who knew Ralph, have spoken about the way he could very simply and articulately condense an argument into something that would convince almost everybody in the room with a few words. It would often be after strenuous debate. It could be on any topic, whether it be a policy issue, an integrity issue or a campaigning issue. We would have those debates within the central council and then we would hear Ralph's voice, wanting to make a contribution. He could carry a room with his knowledge and his succinct and considered arguments.

We knew that once Ralph had made his contribution, debate was coming to an end. More often than not, we would end up agreeing with the position Ralph had put. That is certainly my recollection of Ralph's contribution to the party. To me, his contribution was one of guidance and a shared understanding of the issues that come with being a member of a political party and somebody who has to speak on behalf of the members. He certainly understood that and what it required, being a life member. Also, having been heavily involved in the executive of the party, he understood what it meant for us.

As members of the National Party, it is important to put not only our views but also those of other National Party members. Former member of this place Rick Colless sent out an email on Ralph's passing. Some of the comments are quite telling. One is about the words of the Hon. Jenny Gardiner, whom most of us know. Rick said, "The Hon. Jenny Gardiner reminded me of a comment Ralph made on the passing of Paul Davey."

I seek an extension of time for one minute.

**Leave granted.**

**The Hon. WES FANG:** He said, "There will only ever be one Paul Davey. A real standout person who gave The Nationals more than we will ever know. An altruist, a true believer and a great friend." As Jenny said today, Ralph also possessed those attributes. The other person I want to provide a voice to is Jocellin Jansson, who was a friend of Ralph's in Narrabri. Knowing that this motion was coming up, I asked her if she wanted to put something on record, because she knew him very well. She sent this back to me: "Ralph was an incredible mentor to so many, but so humble he never realised this. He was a man of the people but, extraordinarily, at the same time his contribution to the cotton industry, agriculture more broadly, the National Party, Rotary International, the disability sector and the communities of Narrabri and Narromine leave a legacy that will live on for decades. His life had purpose and depth, and his passing leaves a gap in many people's lives." Our sympathies are with Marilyn and his family on his passing. Vale, Ralph Schulz .

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (17:56):** I make a short contribution to debate about a man I never met. But, having heard the contributions on this important motion, it is worthy as the Leader of the Government to pass on our develop condolences to Mr Ralph Schulz 's family and the National Party. I think about the number of hours he dedicated in his life to making his community better, in the way he saw it, and choosing a political party to do that. Spending that amount of time and effort is worthy of recognition from everyone in this place.

Very few people decide to join formal politics and be members of political parties. Of those who do, some do not last, because it can be pretty tough. You do not always get your own way, and sometimes conflict is high. But this was someone who clearly dedicated his entire life to the industry he loved and making it better, to the communities he lived in and making them better, and to the party he clearly loved and truly believed was the vehicle for the change he wanted to see in the world. It is important that we reflect on the lives of the extraordinarily rare humans across New South Wales who choose to do that.

I pay all respect to the hours and hours he probably spent on the Constitution and Ethics Committee; on central council, wrangling that lot opposite, which is never easy; and on providing that quiet moment in the back for new members to find their feet and get that piece of advice they need. I add my voice on behalf of the Government to the reflections. I thank his family for sharing him with the cotton industry and the National Party. I mourn his passing for them because, even though he was all of those things, he was also clearly a family man who was dearly loved and is dearly missed.

**The Hon. SARAH MITCHELL (17:59):** In reply: I thank all members for their contributions. I know that, particularly for Ralph's family, having the Minister for Agriculture recognise the work that he did in the cotton industry will mean a lot. I also thank the Leader of the Government for her thoughtful contribution. It will mean a lot to those who loved him. The people who do the work for our party behind the scenes are the true heroes, and Ralph certainly fits that description for us in The Nationals.

The Hon. Scott Barrett talked about Ralph only speaking when he had something to say—but everyone listened. There is probably a lesson in that for all of us. Sometimes those who say the fewest words have the most respect and are the most powerful in every room they enter. That certainly was true of Ralph. I acknowledge the contribution of the Hon. Wes Fang, and in particular the comments of Jocellin Jansson, who I know was very close to Ralph, Marilyn and their family. Ralph was a mentor. He was loyal to the party until his dying day and was very humble about all of his achievements. To have that recognised in this place is very important.

It is still very raw and very recent. Next week we will properly farewell Ralph in Tamworth. He and Marilyn moved there in recent years to have access to more support, but we will make sure that his family receives a copy of this motion and debate. Hopefully it will be something they treasure. I know that next week, when we farewell Ralph, there will be some wonderful stories shared. I have been in touch with Jenny Gardiner in recent days and she let me know that, through Ralph, we are losing another connection to some of our party's founders.

He attended Sydney Boys High School, but in the school holidays he would travel on the train to the Northern Tablelands to stay with relatives. On one of those train trips he encountered Sir Michael Bruxner going home to Tenterfield from Parliament. That began Ralph's association with the National Party. It is longstanding. He was an icon and had decades of service, both in the cotton industry and to The Nationals and we are honoured

to have known him. I know that somewhere up there he will be proud that he is being acknowledged in this way in the Parliament. I thank the House. Vale, Ralph Schulz .

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

**Motion agreed to.**

### PUBLIC SCHOOL AIR QUALITY

**Dr AMANDA COHN (18:02):** I move:

- (1) That this House affirms that students and staff in New South Wales public schools deserve learning environments that are equitable, clean and safe, including air quality.
- (2) That this House notes that:
  - (a) a significant majority of Australian schools rely on "natural ventilation" by opening windows, a practice that becomes ineffective when windows remain shut due to cold or inclement weather, or outdoor air pollution;
  - (b) carbon dioxide [CO<sub>2</sub>] is an indicator of poor ventilation, and poorly ventilated indoor spaces increase transmission of airborne pathogens, posing risks to young people in educational settings, staff and the broader school community;
  - (c) recent survey findings reported by the ABC on air quality in New South Wales public schools revealed that classroom CO<sub>2</sub> levels often exceed 2,500 parts per million (ppm) when windows are shut, a level that can impair cognition;
  - (d) the current National Construction Code specifies that indoor CO<sub>2</sub> levels should not exceed 850 ppm averaged over eight hours;
  - (e) a Climate Council report recently highlighted that, in capital cities, one in six schools and early childhood centres are exposed to dangerous levels of air pollution from busy roads, noting that pollution exposure is associated with adverse health outcomes in young people, including complications such as asthma, reduced lung function and other respiratory conditions; and
  - (f) the cost of installation of HVAC systems in schools has been estimated to be more than offset by savings from reduced sick leave for students, teachers and parents.
- (3) That this House calls on the Government to:
  - (a) deploy CO<sub>2</sub> monitors and other low-cost sensors in schools reliant on natural ventilation to alert occupants to inadequate ventilation;
  - (b) publicly report the number of New South Wales public schools reliant on natural or temporary remedial ventilation; and
  - (c) commit to ensuring that all public schools receive permanent remediation works for ventilation.

School students spend at least 25 hours in classrooms every week. That is in excess of 1,075 hours indoors in school buildings every year. Poor air quality in schools because of inadequate ventilation poses serious risks both to health and to learning. In New South Wales, teachers and students in our public education system deserve workplaces and learning environments that are productive, clean and safe, and this is not currently the case in far too many classrooms. In New South Wales it has been estimated that 98 per cent of classrooms are reliant on systems of so-called natural ventilation by opening windows, which immediately becomes ineffective when windows remain shut or are closed due to cold or inclement weather or outdoor air pollution.

Carbon dioxide is a useful proxy measure for ventilation. We all exhale it. When a room is crowded or poorly ventilated, the carbon dioxide level rises. As the motion states, classroom CO<sub>2</sub> levels are easily exceeding 2,500 parts per million. The National Construction Code requires that indoor CO<sub>2</sub> levels should not exceed 850 parts per million when averaged over eight hours, although this limit is not monitored or enforced. High CO<sub>2</sub> has a direct negative impact on cognition as well as serving as a useful indicator of high risk of transmission of airborne infections like COVID-19, influenza, whooping cough and measles.

Queensland University of Technology professor Lidia Morawska has called for mandated indoor air quality standards and the use of low-cost sensors to monitor for CO<sub>2</sub>, particulate matter and carbon monoxide, as those three pollutants are solid indicators of poor air quality. Monitoring is cheap. A number of people at risk of adverse outcomes from respiratory infection have taken to carrying their own carbon dioxide monitors with them to indoor events. I understand that the Government has trialled air quality monitoring in 100 randomly selected schools. It should be rolled out in every classroom still relying on natural or temporary ventilation solutions, because this information does not just make the case for permanent ventilation upgrades; it can support people in real time to make decisions, like needing to open a window or choosing to put on a mask.

Here at the New South Wales Parliament we benefit from recently upgraded air ventilation, filtration and disinfection systems that exceed minimum standards. School students and staff deserve the same good air quality to protect their health, to safely include people at high risk of adverse outcomes of respiratory infection in education, to reduce sick leave for staff and parents and to improve learning. Many people are also advocating for

better temperature control in classrooms to improve learning environments, and permanent remediation works for modern heating, ventilation and air conditioning [HVAC] systems can meet this need as well.

During the peak of the pandemic a lot of this work was done in a hurry. Temporary measures like portable air purifiers were brought in. I am not criticising that decision, but with everything we now know and continue to uncover about the harms of indoor air quality and how to mitigate it, permanent remediation works are required and the Government should have a plan for rolling this out as quickly as reasonably practical. University of Technology Sydney adjunct professor and architect Geoff Hanmer has estimated the cost to install proper HVAC systems in schools as a preventative health measure would be more than offset by savings from reduced sick leave by students, teachers and the broader school community. I commend the motion to the House.

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (18:05):** I move:

That the question be amended by:

- (1) In paragraph (2) (a) omitting "majority" and inserting instead "number".
- (2) Omitting paragraph (2) (c) and inserting instead:
  - (c) recent survey findings reported by the ABC on air quality in 60 New South Wales public schools, which were not reviewed or overseen by the infrastructure experts in the NSW Department of Education, indicated that classroom CO2 levels could exceed 2,500 parts per million (ppm) when windows are shut, a level that can impair cognition;
- (3) In paragraph (2) (e) omitting "exposed to dangerous levels of air pollution from" and inserting instead "located within 100 metres of".
- (4) Omitting paragraph (2) (f) and inserting instead:
  - (f) the impact of installing of HVAC systems in schools, which has not been validated by the NSW Department of Education, has been estimated to be more than offset by savings from reduced sick leave for students, teachers and parents.
- (5) Omitting paragraph (3) and inserting instead:
  - (3) That this House calls on the Government to:
    - (a) consider deploying CO2 monitors and other low-cost sensors in schools reliant on natural ventilation where appropriate;
    - (b) continue reporting on the progress of the installation of ventilation systems in public schools; and
    - (c) support the continued availability of air purifiers for use at principals' discretion and support the installation of permanent fresh air ventilation systems where needed in teaching spaces.

In the limited time I have I say that, as the Government and the department work to rebuild public education in New South Wales, we are working to ensure that every school has what it needs so that every student can reach their potential. That does not just involve dealing with the teacher shortage, which I am happy to report is now down by 24 per cent year on year. It is not just about increasing school budgets, which are now up by more than \$700 million. It is not only about building and upgrading schools, with capital funding now up to \$8.9 billion. It is also about ensuring that every school we build and maintain is fit for purpose.

I acknowledge the work and the passion of Dr Amanda Cohn, who moved this motion. I know that she has done so because of her expertise and her firm beliefs on the matter. As we juggle those many challenges across the education sector, and as the Deputy Premier and education Minister juggles those challenges along with the department, this remains an area that we continue to work through. I also put this on the record: The department has advised me that more than three-quarters of designated classrooms in New South Wales public schools are air-conditioned and more than a quarter also have mechanical ventilation. Since coming to office, the Government has installed air-conditioning in more than 2,421 classrooms and libraries, and approximately 1,119 heating, ventilation and air conditioning or HVAC systems, which provide comprehensive climate control in our classrooms. The new facilities will continue to be supported by our record \$1.5 billion investment in maintenance and local upgrades.

**The Hon. SARAH MITCHELL (18:08):** I contribute to the debate on behalf of the Opposition. As someone who was the education Minister for a four-year period, I acknowledge the work that the member moving the motion does in this space. I acknowledge she has raised this issue in the House previously. It is important because we must ensure that we have great learning environments in public schools. There will be no argument from any member in this House about that, but I guess the question for Government members is how they will make that happen.

I understand that the Government amendments will make significant changes to the original motion. However, the Opposition will support the amendments because it is important for the Government to consider

what it can do in this space. In response to the Minister's comments, I will say there is a certain irony about this. When I was a Minister and Minister Houssos was in Opposition, there were a lot of questions asked about ventilation in schools and our Cooler Classrooms Program. A lot of that was off the back of COVID. I appreciate that this motion does not refer to COVID specifically but respiratory diseases more generally. There is a certain amount of irony now that former Opposition members are now in Government and saying there is no money for the programs that were rolled out by the former Government, like the \$500 million Cooler Classrooms Program, which was for air ventilation as well as heating and cooling.

The Cooler Classrooms Program ceases to exist. The former Government left \$131.3 million through WestInvest to make sure that every public school classroom in Western Sydney had the same air-conditioning, and heating and ventilation systems. That was scrapped by the current Government. When Government members were in the Opposition, they were very critical about what the Government was doing, but now the Government has quietly shelved those programs. That means there is no longer a funding stream for schools to obtain those heating, cooling and ventilation systems. It is a shame and the Government should consider reintroducing those systems if it has the ability to do that, considering the State's finances and the Government's current education priorities. It is an important issue that the Opposition will continue to raise.

We must ensure that we are following the science. There is a lot of debate about natural ventilation. When I was the Minister, we certainly had advice off the back of COVID about the most effective natural ventilation systems and how the spread of air borne diseases can be minimised. A lot of work was done on procuring air purifiers, which also came out of the pandemic. The former Government made sure that it was responding to poor outdoor air quality. We did a lot in this space. I am proud of the former Government's record. I encourage the Labor Government to consider making funding streams available for school communities specifically as opposed to not having any funding available, which unfortunately is currently the case. I commend Dr Amanda Cohn for moving the motion. I suspect we will talk about these issues again. I encourage her to persevere because it is an important policy space that we need to keep an eye on.

**The Hon. TAYLOR MARTIN (18:11):** I support the motion and commend Dr Amanda Cohn for her work in this space. I truly hope that this is not the last time we touch on this issue in this place. I also support the Government's amendments. It is a very important subject. I am sure that Government members looking at me now know full well why I am talking about this subject. I grew up a pretty healthy kid and teenager. I never had any respiratory issues until a couple of years ago. To cut a long story short, sick-building syndrome has ruined my lungs. I need to use a puffer many times a day. I never needed this puffer until I was in my late twenties. This issue is much bigger than CO2 alone. Air conditioning is a problem. The building envelope itself is a problem. Humidity is an enormous problem, which is why I particularly like the last paragraph of the original motion, which states:

(3) That this House calls on the Government to:

...

(c) commit to ensuring that all public schools receive permanent remediation works for ventilation.

I will not move an amendment, but I simply note that I think the motion should go further than ventilation. Water damage also is a huge issue. A lot of schools in New South Wales can be 100 years old. This building we are in now is 200 years old. Funnily enough, in 2001 the lower House Public Works Committee had an inquiry into sick-building syndrome. I will not go into the recommendations. Any member who is interested can do so. In the foreword, the report states:

Some research indicates that between 40 and 60 per cent of office environments are affected by Sick Building Syndrome. In the United States health problems associated with poor internal air quality are regarded as one of the top five key environmental health risks.

That report was written almost 23 years ago. At that time, which was over two decades ago, the committee said that indoor air pollution can cost tens of billions of dollars annually from impacts and productivity losses, and also health care. It is an interesting report. I am not sure if much came of it at that time, but it does home in on air conditioning systems and maintaining those systems. The maintenance of air conditioning is a significant problem when it comes to respiratory health. That is not an issue with public schools or public buildings alone. It is an issue across many buildings. I would like the issue to be revisited.

**The Hon. WES FANG (18:14):** I note that Minister Houssos has moved an amendment to the motion, but it is important to speak about some of the work done by the former Government. The former Minister, the Hon. Sarah Mitchell, pointed out that the former Government carried out a \$100 million air quality assurance program, which boosted natural ventilation in more than 10,000 classrooms. The program included permanent upgrades to windows, ceilings and exhaust fans and ensured that ventilation systems were serviced. Many members will recall that Minister Houssos, who moved the amendment, attacked the former Government for

programs such as the Cooler Classrooms Program. During COVID, the former Minister was extremely diligent in ensuring that advice provided to her was followed, which included procuring 19,000 air purifiers and the ongoing installation of automatic fresh air ventilation systems in schools.

The former Government regarded the safety of students, teachers and staff in New South Wales schools as of paramount importance. The former Minister has an exemplary record of protecting students by following advice relating to fresh air ventilation and purification of air in classrooms. I needed to state that for the record when discussing this motion. Looking around the Chamber I know that many of us have school-age children and would be aware that schools can be incubators for any number of health complaints. The former Minister should be commended for following the advice she was given and for implementing an expedient and timely rollout of programs, such as the air quality assurance program, to ensure that the air in classrooms was of sufficient quality so that students could go back to school and continue their learning. I am pleased to put that on record because undoubtedly the former Minister did an amazing job of getting us through COVID and protecting our students.

**The Hon. DAMIEN TUDEHOPE (18:17):** I also contribute to debate on the air ventilation of classrooms. When I was the member for Epping, I recall representations being made to me about the air ventilation and air conditioning of classrooms, and the learning environment that was created as a result of making sure that classrooms were properly ventilated, or alternatively cooled. Some teachers took the view that ventilation was the more appropriate method rather than using air conditioning. Parent bodies took the view that a learning environment for children was enhanced by classrooms that were properly ventilated or properly air-conditioned. Parents took the view that when children were exposed to very high temperatures in summertime, that was a negative for a proper learning environment.

I know the Government is under pressure about the budget, which was left in phenomenal condition by the previous Government. However, it abolished the \$131.3 million that was secured by the former Government through the WestInvest Fund to ensure that every public school in Western Sydney had air conditioning. That program was put in place by the previous Minister to align with the existing COVID-maximising ventilation program that had been installed during the pandemic. When those two things are taken in conjunction, the previous Government was not deleterious in its duty to ensure that children had proper learning environments. In addition, when the air quality assurance program—which was alluded to by the shadow Minister and former education Minister, the Hon. Sarah Mitchell, and the Hon. Wes Fang—is considered, the record shows that the previous Government recognised the problem and did something about it. We saw it as necessary for a proper learning environment for children.

**Dr AMANDA COHN (18:20):** In reply: I thank members for their contributions, including the Minister and several members of the Opposition, in particular the Hon. Taylor Martin for sharing his personal experience of the impact of poor indoor air quality. I agree with many of his comments. There is further work to do—not just in schools—particularly with air disinfection and addressing damp and mould. That will be a good conversation to have at another time; today we are talking about schools. The Government amendment significantly waters down the motion. I oppose the amendment but we will support the motion as amended. In particular, the amendment seeks to add a paragraph to state that the data that I am citing has not been reviewed or overseen by the department. The suggestion that we can only cite figures that come from or have been validated by government is really unhelpful. This House should be able to cite and respond to up-to-date evidence from external sources, so I particularly object to that suggestion.

Another paragraph in the amendment states that the Government "will continue reporting" rather than "report", but the current reporting is obviously not good enough because I am regularly contacted by people who have turned to things like applications under the Government Information (Public Access) Act to find out about the status of the rollout of ventilation upgrades. The Government has also changed wording to state that air purifiers are for use at the principal's discretion. I know from parents and from teachers that in many cases where those air purifiers should be used they are not. That may be because they are noisy or take up space but, at the end of the day, they were an urgent, temporary solution in the peak of the pandemic and, in many cases, the best possible option the time frame allowed. They should be replaced with permanent upgrades now. Members of the public regularly send me photographs of air purifiers sitting unplugged in a corner covered with art and craft supplies and other things, so they are clearly not being used in classrooms where they are needed.

However, I am glad to have the Government agree on record that a significant number of classrooms do rely on natural ventilation. It has provided some updated figures for air-conditioning upgrades. I note again the opportunity that we have with permanent HVAC upgrades. We can tick the boxes of ventilation, filtration, temperature control and disinfection all at once by getting the upgrades right in one go. We had a debate today about the Government's response to the COVID-19 pandemic. This is one of those lessons that we absolutely must learn and we should be implementing now. We should not be waiting for the next bushfire causing significant outdoor

pollution or the next pandemic to improve the air quality in our schools. The time is now to implement those lessons to look after the health of kids now and in future.

**The DEPUTY PRESIDENT (The Hon. Emma Hurst):** Dr Amanda Cohn has moved a motion, to which the Hon. Courtney Houssos has moved an amendment. The question is that the amendment be agreed to.

**Amendment agreed to.**

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

**Motion as amended agreed to**

### CENTRAL WEST FLOOD RECOVERY

**The Hon. SCOTT BARRETT (18:25):** I seek leave to amend private members' item No. 1526 for today of which I have given notice by omitting in paragraph 1 (a) "Eugowra, Molong and Cudal" and inserting instead "Eugowra, Molong, Cudal, Manildra and Canowindra".

**Leave granted.**

**The Hon. SCOTT BARRETT:** Accordingly, I move:

- (1) That this House notes that:
  - (a) on 14 November 2022 the Central West of New South Wales was hit by a storm of unprecedented magnitude with towns such as Eugowra, Molong, Cudal, Manildra and Canowindra suffering significant flooding;
  - (b) the flooding resulted in damage to homes and businesses, loss of livestock, destruction of community infrastructure and, most tragically, the death of two local residents; and
  - (c) two years on from this event, these communities continue to rebuild their lives with the grit, determination and stoicism that our regional communities are known for.
- (2) That this House acknowledges the resilience of these communities and reassures them that they are not forgotten as we mark the two-year anniversary.
- (3) That this House calls on the Government to provide more assistance to aid the ongoing recovery and mitigate against future disasters.

I start by quoting an excerpt from a book put together by students of St Joseph's Catholic Primary School in Eugowra as part of their ongoing flood recovery efforts:

They screamed in horror as the wave of water, larger than their houses, surrounded them. People scrambled to find safety. They watched helplessly as everything was washed around as if it was tumbling in a washing machine.

That is from a primary school kid named Pippa and it sets the scene for what we are debating today. Two years ago a flood event swept through the Central West, impacting homes, businesses and infrastructure in towns such as Molong, Cudal, Canowindra and Manildra. Eugowra, in particular, was badly affected when a tidal wave of water swept through that town, impacting 80 to 90 per cent of the homes, many of which were destroyed, as we heard from Pippa in her piece of writing entitled "I See Mud".

During the event residents of the town helped rescue their neighbours, putting their own lives at risk. People spent hours clinging to rooftops, not knowing if their friends and family were alive, watching the biggest helicopter evacuation in Australia to date. However, all the material losses fade into insignificance when compared with the tragic loss of two much-loved Eugowra residents. In the days following the flood we saw an outpouring of support for those communities. Residents of surrounding communities arrived en masse with shovels, brooms, trucks and other cleaning equipment. Builders took days away from their scheduled work to assist in the recovery. Community groups cooked barbeques and provided meals for those affected.

Those are just some of the many ways in which the local community helped following the devastation. People chipped in to do whatever was needed. A couple of days after the event, I visited Eugowra, Molong and Cudal along with then Premier Dominic Perrottet and former emergency services Minister Steph Cooke. The scene we walked into in Eugowra was unlike anything I had seen before. The closest I could compare it to would be a war scene from a Hollywood movie. There were in choppers the air, quad bikes driving through mud-filled streets, piles of debris and destroyed homes shifted from their foundations. Strangely, and funnily enough, I actually felt better after visiting the town than I did beforehand. I say that referring to conversations that I had while in Eugowra that showed me the resilience and determination of its residents. They convinced me that they would be okay and the towns would recover.

We see that evidence today, two years on. Recently I have been in Eugowra, Cudal and Molong, and they are recovering. It is testament to the resilience and the dedication of the people who live in those towns. But a

common theme I heard from talking to them is that that resilience has a limit. Many remarked that if the event happened again—and we are not talking about a major flood of that scale but another decent flood—the resources are not there, financially and emotionally, to rebuild once again. That means that we need a greater emphasis and more activity on mitigation measures in those areas. In Molong there are drainage issues under the CBD.

There is talk of a levee bank, and I know that the council has done some work on flood plans. The creek needs some clean-up work done and the Government needs to help by removing some of the green and red tape to allow that to happen. We need the support, and ultimately the chequebook, of the Government to see those mitigation steps come to fruition. It is a similar story in Cudal, where some simple, commonsense upgrades to drainage and guttering could put residents' minds at ease. That community could also use some support for its first responders. Businesses could use more help, purely from a resilience perspective, to install things like flood-proof shutters and concrete flooring.

Those things cost money, so we ask the Government to help by mirroring the funding it gave the Northern Rivers to support businesses in the Central West. The Resilient Homes Program, while welcome, is not enough. Residents and communities have been teased with suggestions of more money coming, but that is not helpful. They need certainty; they need that money now so that they can make informed decisions about the future of those communities. As we mark two years since the disaster, let's never forget what those communities went through and the emotional and financial impact on their lives. Let's use the motion to commit as a Parliament to making sure that we are always there to aid the ongoing recovery of those wonderful communities.

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

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (20:02):** I indicate that the Government supports the motion. I thank the Hon. Scott Barrett for bringing it to the House. It is appropriate that the Parliament acknowledges and commemorates the flood event that occurred in the Central West community in November 2022. It has been two years since that catastrophic event, when flooding caused extensive damage to crops, roads, businesses and primary production.

The official flood level reached 11.2 metres, which is 2.2 metres above the major flood level of nine metres. It exceeded the previous record of 10.01 metres, recorded in 1950. More than 200 State Emergency Service and interagency personnel responded quickly, with 12 helicopters in action for over six hours. In just one day the NSW Rural Fire Service assisted with 67 rescues. We remember that the community of Eugowra pulled together and assisted their neighbours to evacuate. More than 700 residents were evacuated and sought shelter in the surrounding areas of Orange and Parkes. Sadly, we remember the two residents who lost their lives.

The NSW Reconstruction Authority has been on the ground, working with councils and local community leaders on all aspects of recovery planning and program delivery. With the support of councils and the community, the Reconstruction Authority is providing direct support to highly impacted residents across the community. Key to Eugowra's recovery has been the high level of volunteering from the local community, including local and non-local organisations. Recovery efforts in the Central West are being boosted under the joint Commonwealth and State Government \$100 million Central West Resilience and Recovery Package. The package will support the repair and replacement of community assets, the resilience of roads and bridges, the provision of legal assistance services, and building the resilience of the community to future disasters by targeting the Resilient Housing Program to locations and households where risk to life and safety issues are greatest.

The Eugowra flooding and, by extension, the devastating flooding events in the Northern Rivers, serve as a reminder to everyone that we must be prepared. This community deserves to maintain the full attention of our Government. I spoke about this yesterday during another debate. I visited the Eugowra community early last year. It was a privilege to meet with some of the people who were impacted by the floods. They told me stories of how they got through the situation and showed me some of the damage. I indicated yesterday that that experience stayed with me, and that is true. The people of those communities should know that they still have the support of the Government.

**The Hon. SARAH MITCHELL (20:05):** I contribute to debate on the motion and thank the Hon. Scott Barrett for moving it. It is important that we continue to acknowledge and reflect on the magnitude of the flooding event that occurred in the Central West two years ago. I want to say that because the Hon. Scott Barrett will not—he is too humble. He is very much a part of the Central West community that is the subject of the motion. He is not talking about something that he saw on the television or about people he does not know. He was on the ground very quickly to help others following the catastrophic flooding event. The people in this community are people he knows, has played sport with and worked with. I know he feels deeply the impact those floods had on his community. I was there not long after the flooding event—I will talk about that shortly. I chatted to the principal

of Eugowra Public School, Carmel Doyle. She said, "I know Scott Barrett and his wife." She had lovely things to say about both of them. That is the point: These are real people, and I know that the Hon. Scott Barrett feels strongly about making sure that the Government supports this community as it rebuilds.

I particularly acknowledge the education and early childhood community in Eugowra. I was the Minister for Education and Early Learning at the time the flooding event occurred. I was there very quickly thereafter and met with Raewyn Molloy, who runs the Eugowra Community Children's Centre. We had a look at the level of devastation in the old building. The flood wiped out that service for the community. "Fortunately" is not the word to use, but because we had been through the Lismore and Northern Rivers flooding events not long before, we had processes in place to get those early childhood services up and running again quite quickly. We were able to re-establish that service on the grounds of the public school and at the local Catholic school in Eugowra. I acknowledge the school principals, parents and families that made it possible to get that childcare centre up and running again within days.

That really mattered for healing. It mattered that people were able to come back together and see each other. While parents were trying to deal with the cleanup and work out what to do with their lives and where to live, they at least had a safe place to leave their children who would be well looked after by educators who knew them and wanted the best for them. That was really powerful and important, and I was very grateful to be able to use my position as Minister at the time to help them to do that. Last year the Hon. Sam Farraway and I attended an event put on by the Eugowra community to mark the one-year anniversary of the floods. Those issues are still raw. It takes time to heal trauma and to rebuild communities. I have no doubt that the incredible people of the Central West will be able to do it better than anyone because of how well they work together. We use "resilience" a lot as a buzz word, but I have never seen a community come together more. I know that the people of the Central West will bounce back even stronger.

**Ms SUE HIGGINSON (20:08):** I contribute to debate on this motion. I note the comments of the previous speaker, the Hon. Sarah Mitchell. I recall watching the people of that community on the television the morning after the floods. There was a moment when I grabbed my own belly and bawled my eyes out, because it was a few months on from the Lismore floods. There was a moment of realising, "Oh my gosh. We know exactly what this looks like, what it means and how it feels." It is so traumatising and so deep when you are watching people who are in the throes of such a catastrophe and have lost everything.

The flooding was directly responsible for the deaths of two members of the community, similar to what happened in my community only a few months earlier. With the climatic drivers of La Niña in 2022, we have seen two years of back-to-back events and near-record surface and sea surface temperatures. Those temperatures have increased by an average of 1.08 degrees since 1900. Short-term heavy rainfall events are becoming more intense and will become more frequent. In the future, there will be more intense short-duration heavy rainfall events, even in regions where average rainfall decreases or stays the same. That is the reality of climate change.

Yesterday Portfolio Committee No. 7 – Planning and Environment tabled its report about the planning system and its intersection with climate change. The committee made serious recommendations about what the New South Wales Government can do, including supporting local councils to be able to better support their communities. I believe, and the committee found, that these are fundamental steps. The reality is that weather events will not go away. Communities across the whole country are going to experience catastrophic events. That is what climate change looks like. We will see more intense events. All governments can and must do better when it comes to the preparation for and the response to climate-induced disasters. Yes, we have learnt a lot, but the reality is that no two events are the same. Those events are likely to get worse. Whilst it is important to look back at what has happened, it is really important to look forward and be better prepared.

**The Hon. WES FANG (20:11):** I make a contribution to the debate to support my good friend and colleague the Hon. Scott Barrett in bringing the motion. He played a vital role in assisting, listening to and helping the Eugowra community through some particularly dark times. I pay tribute to the work that he did on the ground. After the floods, we were in constant contact, making sure that the community was okay and that the Hon. Scott Barrett was being taken care of. I spoke to him about things that were happening on the ground. I particularly recall that he was there sorting through what had been left at the post office, trying as best as he could to make sure that mail that had been damaged by the floodwaters was being sorted from the remnants of the rest of the post office. The floodwaters had taken everything. That imagery of the flood that I have, having spoken to the Hon. Scott Barrett, will always stick with me.

It is particularly important that we recognise that that community has been devastated by what occurred on the ground. I also think that every cloud has a silver lining. There is no doubt that when bad things happen, rural and regional communities absolutely shine. Surrounding communities rose up to support the community of Eugowra. I recall that we went to a fundraising brunch that was held at the Royal Easter Show. There was no question that the Eugowra community spoke so fondly of people like the Hon. Scott Barrett and my other colleague

in this place the Hon. Sarah Mitchell, and about the immediacy with which they turned up on the ground to make sure that things like education and support were there. Their efforts helped to bring people through what was a particularly dark time. Whilst I note the contribution of the previous speaker, Ms Sue Higginson, about the contribution of other issues, we need to recognise it for what it is: a disaster. It gives the opportunity for people to rise up.

**The Hon. SCOTT BARRETT (20:15):** In reply: I thank members for their contributions to the debate. I thank the Minister for Regional New South Wales for her words. I thank the Hon. Sarah Mitchell. Her words were kind and touching. I know that the community of Eugowra is appreciative of the work that she did, particularly in relation to the moving of the preschool. That was a touching moment out there. Because the Catholic school was badly flooded, the two schools—the Catholic school and the public school—spent some time co-located. I know that was a great experience for the kids out there. I thank Ms Sue Higginson. She can empathise with what that community went through with what she has been through. I saw her passion during the inquiry that we were on into the response to the floods in her part of the world. I thank the Hon. Wes Fang for his kind—and embarrassing—words.

My wife and I jumped into the community—as others from throughout the Central West did—to do whatever jobs were needed. We did odd jobs that people would not even think of, like sorting out old mail, which just needed to be done. The \$100 million support package has been mentioned. That package was welcomed, but there are a couple of things to note. First, that was announced a long time ago, and we are yet to see any money in the community. It would be great if we could see that hurried up. I will say again that that money is not going to meet the demand of the communities that it covers. That includes the communities of Forbes, Parkes and Condobolin. More money needs to be rolled out as quickly as possible.

It is great to see nice words from the Government about this, and I thank it for that, but I guarantee that the people of the Central West would swap those words pretty quickly if the Government could dust off the chequebooks and start putting more money into the community. Whatever we give that community will not be enough to help it recover. It has been through an awful lot and we need to do more. We can do that. There are a few big events coming up. Those towns are recovering and they look great. I was in Eugowra the other day. The flags were flying, the sun was out and the shops were open. I encourage people to get out into those towns. Molong has its Christmas shopping night on 6 December. I have been to that event before. It is a fantastic street party where people can do some shopping and meet great people.

More broadly, we need to do more about preparation for and mitigation of weather events. There are things that can be done, and we need to be ready. There are going to be more floods. We need to be ready for them. That includes support for first responders. One of the positives that has come out the floods is the increase of activity around first responders in places like Cudal. We need to look forward. One of the catchphrases over the past few years has been "community-led responses". Let us look at the Eugowra Promotion and Progress Association, Cudal Bowling Club and the Rebuild Molong movement on how to properly do community-led response. I thank all those people who were involved in the response. I say to the flood-affected people of the Central West that we will not let them be forgotten.

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

**Motion agreed to.**

#### WESTERN SYDNEY HOUSING AND INFRASTRUCTURE

**The Hon. EMILY SUVAAL (20:18):** I move:

- (1) That this House notes that Sydney is Australia's pre-eminent economic powerhouse and that Western Sydney alone is Australia's third-largest city economically.
- (2) That this House recognises that the population of Western Sydney has grown at twice the rate of the rest of the State over the past 10 years and has led to pent-up demand for new housing, more reliable energy supply, better transport links and services provided by public essential workers.
- (3) That this House notes that only by taking positive policy decisions that directly address these concerns across the whole State can New South Wales unlock the promise of our economy and ensure we maximise the ability of our people to use their skills and ambitions to achieve a better life in New South Wales.

I welcome any opportunity to talk about the best State in the world and the powerhouse of Australia that is New South Wales. I often talk in this place about the Far North Coast and its beauty. Sometimes I talk about the Hunter Valley and the economic powerhouse of a region that it is, or about the critical mineral deposits in the Central West. But today I talk about Western Sydney. The motion makes the point that Western Sydney is a key part of the powerhouse that New South Wales is in Australia. It is Australia's third largest city economically.

Western Sydney produces \$155.3 billion worth of total economic output. It is home to 29 per cent of New South Wales businesses. Those businesses employ some 1.5 million people.

The region has grown rapidly, and it is the fastest growing in the State. The motion also makes the point that this growth has led to more demand for essential services and infrastructure, something I know that you, Mr Assistant President, are well aware of. Delivering the schools, hospitals, roads, transport and other essential amenities that growing communities need has been a priority for the Minns Labor Government. It is important for ensuring the ongoing prosperity of the region and our State, and for unlocking their full economic potential. That is why the latest budget included more money to build and upgrade schools in Western Sydney. It delivered more funding to expand health services and infrastructure. Right now, the average Western Sydney family spends around 70 minutes commuting each day. The time lost to travelling has economic and personal costs to families. It is why the Minns Government is investing in the roads and transport infrastructure that will connect locals with our city.

Another very exciting thing coming to the region is the opening of the new Western Sydney airport just over 12 months from now. That will make Western Sydney a gateway to the rest of the world. The airport and the aerotropolis that will surround it will bring a lot to the community. It means jobs, homes and a better life for the people who work and live there. Over the next 30 years, the aerotropolis will add 120,000 jobs in Western Sydney. It will also add homes for another 30,000 people. The overall endeavour contains \$25 billion in transport infrastructure investment by the New South Wales and Australian governments, including the M12, the Sydney Metro Western Sydney Airport and major upgrades to Bringelly Road and the Northern Road.

The airport and that infrastructure will be revolutionary, improving life for people and attracting more investment in Western Sydney. Around 10 million passengers will be able to come through the airport each year, while it moves an impressive 200,000 million tonnes of cargo and provides more growth opportunities for the State. Western Sydney International Airport will be the gateway of choice to Australia and the world, connecting people, places and opportunities. It is just one example of how the public policy decisions we make in this place can help to drive productivity and prosperity in our State. But it is about so much more than the new buildings and roads. It is about creating a thriving, futureproofed economy that will generate new jobs, advanced industries and sustainable urban communities. I commend the motion to the House.

**The Hon. MARK LATHAM (20:23):** How good is it that someone who lives in Cessnock has fallen in love with Western Sydney? We welcome the view from the Hunter to embrace our wonderful region. I am sure the honourable member will be scouring through the real estate guide to back up her rhetoric and move down and support Western Sydney in person some time soon. She is bringing her attitude of "Don't knock the 'Nock" to Western Sydney, as one of the great boosters of our region, and it is welcome indeed. But instead of a speech that perhaps read a touch like a press release and a plan for Western Sydney, she could have come up with some actual proposals to make our region even stronger.

I mentioned earlier the construction of the Leppington to Badgerys Creek line to service the housing estates being built there. That is the first thing that is needed. The second item on this plan is a realistic view about Badgerys Creek airport. There is an element of cargo cultism, whereby Badgerys Creek airport will solve everything. In fact, we will not have viable business parks at the airport site on the Federal land, at the "flopropolis" nearby, which Stuart Ayres pioneered with press releases or at Mamre Road and the failed Sydney Science Park. We should not mislead people in Western Sydney about what is realistic in that regard. The third element of the plan is to legislate the residential caps and triggers on the Sydney Science Park so that it delivers jobs instead of 30,000 new dwellings. The fourth thing that Western Sydney needs is to ensure that Sydney as a metropolis goes upwards instead of out, capping the urban sprawl and ensuring that the North Shore and eastern suburbs take their residential load, which is long overdue.

The fifth item is to improve the schools through best practice teaching, verification in the classroom and the behavioural standards that are much needed. The sixth element of a viable plan is to forget about the Rosehill sale and putting 25,000 dwellings there. Rosehill is an economic job generator in its own right, and Western Sydney needs more jobs, not more people, to cut commuter travelling times. Finally, for housing affordability, I wish this Government would go back to the plan of the former Government and allow the choice to avoid stamp duty. The honourable member from Cessnock could buy a house in Western Sydney by avoiding stamp duty with the longer term payment that Dominic Perrottet and others produced in the last Parliament. It is great to have this Hunter Valley convert to our region. I say, sure, don't knock the 'Nock. But give the westies what we want as well in the plan that I have embraced. I am sure the member in reply will endorse the Latham plan for Western Sydney, which is long overdue.

**The Hon. DAMIEN TUDEHOPE (20:26):** What an astonishing day this is. The Hon. Emily Suvaal, who comes from Cessnock, moves a motion about Western Sydney and reels off a whole set of achievements that were the product of the previous Government. All those infrastructure needs, which were foreseen by the previous

Government, are being embraced by this Government. Because it has a penchant for cutting ribbons on projects done by us, she is claiming the Government has a great vision for Western Sydney. But there is an ultimate irony. She brings this motion and calls for better transport links on a day when the Rail, Tram and Bus Union [RTBU] is calling for strikes. With no trains running on those lines, the member wants better transport links.

How will the Western Sydney Wanderers football fans, who will not be able to catch a train from Parramatta, get to the A-League game at Allianz Stadium on Saturday night? That is a good plan for Western Sydney. We do not want them to be able to watch their football team. Transport links are only helpful when services are available to run on them. There will be no trains from Parramatta this weekend, from 4.15 a.m. on Friday to at least 6.00 a.m. on Sunday. The protected industrial action by the RTBU notified on 4 November, 16 days ago, now includes two separate measures, each of which will have a devastating effect on the existing transport links from Western Sydney. That seems to elude members opposite. They want this great infrastructure. They want the metros to be introduced, all of which was the vision of the previous Government. I invite the member to look at the budget for infrastructure development in education and hospitals in the forward estimates. I can tell her that there is no planning for any new infrastructure in those forward estimates. The motion is a farce.

**Ms ABIGAIL BOYD (20:29):** One in six children in New South Wales live in poverty. We have 13.3 per cent of our population living in poverty. We have ever-rising costs of living. We have housing stress and a lack of affordability, where people are being kicked out of accommodation like there is no tomorrow. We have domestic and family violence refuges in this State that have people sleeping on porches and in nearby car parks. And yet, despite what is happening on the ground and what people are feeling, particularly in places like Western Sydney, we have this Government crowing about how amazing things are.

If we have learned nothing else from the United States election, it is that we need to meet people where they are. Telling people that everything is great when things are not great is how you distance people from politicians and from democracy. It is really dangerous. This is, at best, a nonsense motion. But, at worst, it is really just telling people how to feel in circumstances where they do not feel it. It is really offensive when we have so many people living in poverty—13.3 per cent of people living in poverty—and in Australia we have 150 billionaires and well over a million millionaires. Here in New South Wales we have a Government that fails to change the status quo and actually start providing for the people for whom it has a responsibility to provide.

I have been out to the Western Sydney Airport. It is a wasteland. There is nothing there except the beginnings of infrastructure to accommodate the next weapons hub. Weapons manufacture is what people in Western Sydney are going to be asked to work in, as though we do not have other industries that we could be facilitating, like green energy and everything else. There is hardly any water connecting people around that airport site. They have been waiting years for sewerage connection. And we are telling them, "Hey, we've got all these great jobs that are coming, maybe, on this wasteland", where there is absolutely no evidence of it, with an airport that is designed to ship out weapons and freight, which is not going to be 24-hour.

It is really offensive and, until we start embracing the reality of the situation and changing things up, it is not going to change. Both sides of politics have this thing where they will not raise new money. They need to raise new money from the big corporations and the wealthy people that can afford it and start providing—actually giving money to the people who really need it—through services and infrastructure.

**The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (20:32):** It is great that the Hon. Emily Suvaal is a champion of all parts of the State. I do not live in Western Sydney. I live in St George. I live in Rockdale; I do not live in Western Sydney. I am proud to live in St George. I think it is an awesome part of Sydney and I love to be part of a government that prioritises it. I warn members about deriding other members who bring motions to this House in a kind of personal way that is a bit odd and weird. I do not really think that was necessary. I think having a go at the Hon. Emily Suvaal for moving a motion about Western Sydney because she does not live in Western Sydney, as though that is some awesome gotcha, is odd and weird. That is what I think is odd and weird—to attack a member just for moving a motion talking about how great Western Sydney is. I call on members to read the motion. There is nothing in the motion about how awesome life is in Western Sydney. We recognise it is really tough. The motion states:

That this House notes that only by taking positive policy decisions that directly address these concerns across the whole State can New South Wales ...

None of the boosterism that has been ascribed to the motion is actually in the motion. I was listening to the member's speech. We think Western Sydney is an awesome part of New South Wales. We are proud to be part of a government that is prioritising it. We think it has been left behind after years of under-investment in essential infrastructure. We think it is important to get it back on track. It has been suggested that the previous Government had plans for Western Sydney and this Government does not. Where is the Rooty Hill hospital? Where is it? How

many election campaigns were run on that basis? For three elections the Coalition promised to build it. Nineteen months in this Government has already got it built.

**The Hon. Damien Tudehope:** There is no hospital at Rooty Hill. It is Mount Druitt Hospital.

**The Hon. ROSE JACKSON:** I take the interjection. Jordan Springs Public School is another example of projects that are announced at election after election after election, with a mere press release of a policy and nothing delivered. That was a consistent pattern, election after election. Within less than two years we have sites for those schools and sites for those hospitals. That is delivery. I accept Ms Abigail Boyd's point that the proof of the pudding will be in the eating over the next little while. Can we improve life for people in Western Sydney or not? That is a valid question. I back this Government's prioritisation of that region and delivery.

**The Hon. JEREMY BUCKINGHAM (20:35):** I back the comments made today by the Hon. Sam Faraway in his valedictory speech in calling for the best bit of infrastructure that the people of Western Sydney could get out of this Government or any government, including the Federal Government, which is a modern highway over the Blue Mountains. The trick to Western Sydney is that Western Sydney now goes halfway to Canberra. It runs back up to the Hawkesbury and the Nepean. There is no room. We have run out of room.

The trick to the infrastructure crisis in Western Sydney is to stop putting people there and to look just over that little pimple which is the Blue Mountains. It is a mountain in name only. It is a hill. We call it the sandstone curtain. In any other country we would have dealt with the infrastructure to open up western New South Wales. We cannot see the grand expanse, the opportunity that lies in developing Lithgow, Bathurst, Orange and Dubbo, with boundless plains and no infrastructure. We just keep piling people up in Western Sydney. We need to have a tunnel through the Blue Mountains and a modern highway. The rail line out to western New South Wales was built in the 1860s. It goes through about 15 places that no longer exist. It goes out through Lyndhurst and Trunkley and all these places where there is just an old tin shed and there used to be a pub.

**The Hon. Wes Fang:** Build it and they will come.

**The Hon. JEREMY BUCKINGHAM:** Build it and they will come. Dubbo should be a city of hundreds of thousands of people. I know the Hon. Stephen Lawrence will back me on this. It has a huge water supply and endless plains—a beautiful place to live—but the highway out there is absolutely medieval. The trick to stopping population pressure in Western Sydney is to open up western New South Wales, something that has been promised since the Bathurst-Orange Development Corporation all the way back under the Whitlam Government, but never actually delivered. I hope that the Hon. Sam Faraway, dare I say it, sees his vision of the Great Western Highway come to fruition. Maybe Sam Faraway is the man for the job in terms of Calare. If Labor will not do it, we need someone who will champion that highway and the tunnel to open up western New South Wales. It would be a shorter commute from Lithgow to Penrith than it would be from the city to Penrith. It is an opportunity that has been staring us in the face for a generation. Open up the west. Open up western New South Wales.

**The Hon. WES FANG (20:38):** I contribute to debate on this important motion brought by the Hon. Emily Suvaal. I congratulate her on bringing this fantastic motion. I want to back in the gunja oracle, my good friend the Hon. Jeremy Buckingham. As he was speaking, I had an epiphany. Maybe he is onto something here. Look at this Government's focus on Western Sydney. We have a member who does not live in Western Sydney moving motions about Western Sydney. I am from Wagga and I am thinking that the focus we have here on Western Sydney shows we have got it all wrong. We have seen funding cuts. We have seen programs to Wagga cut by the Minister for Regional New South Wales. Wagga needs to be made a suburb of Sydney.

Maybe the Hon. Jeremy Buckingham is right. Maybe we need to open up Sydney because, honestly, this Government focuses on Sydney, Newcastle and Wollongong. That is all this Government is focused on. Yesterday the Minister for Regional New South Wales indicated that Newcastle was somehow part of regional New South Wales. We are going to say that Wagga is a suburb of Sydney—a little bit west of Sydney, but it is in the western part of Sydney—because that way we will get this Government focused on the area in which I live.

I know that this Government is not focused on my area. It is cutting programs. We only have to look at things like the special activation precincts that effectively have been abandoned by this Government. There has been no infrastructure rollout and there is no plan for Wagga. There has been no plan for western New South Wales. We should remove the Western Sydney part of it and go with the whole of New South Wales being one big part of Sydney. Maybe then this Government will focus on the people who are west of the Blue Mountains— or west of the pimple, as the Hon. Jeremy Buckingham called it.

**The Hon. Jeremy Buckingham:** It is not a mountain.

**The Hon. WES FANG:** Maybe the Gunja Oracle is onto something here and we can get this Government to focus on western New South Wales. God knows it has not happened so far, so I commend the Hon. Emily

Suvaal for moving the motion. I just ask her to widen her perspective a little. We should consider what is on the table. We have great areas west of the Great Dividing Range. Wagga is one of them. We want to see some focus not just on areas within a 50-kilometre radius from the Sydney CBD but a little further out. We want to see this Government focus on a part of New South Wales that actually will provide prosperity for the State.

**The Hon. CAMERON MURPHY (20:41):** I thank the Hon. Emily Suvaal for moving the motion. I love the debates that occur after dinner on a Wednesday because they are always entertaining. Every Wednesday the debates start in the same way. I have to say in response to the remarks of the Hon. Wes Fang that this Government has done an enormous amount for Drummoyne. It is a part of Sydney that has been well looked after.

**The Hon. Wes Fang:** Next to the Rozelle Interchange. You cannot even get the signs right.

**The Hon. CAMERON MURPHY:** That was the previous Government's mistake. That was the previous Government's design. It has been corrected by the current Government. I want to talk about the important point about the motion, which is that Western Sydney would be the third-largest city in Australia. It is an enormous part of the New South Wales economy. It is what drives this State. Nothing was more apparent in relation to that when large parts of Western Sydney were locked down during COVID. The rest of the city came to understand that most of the healthcare workers, most of the logistics workers, most of our workers who provide essential services—such as cleaning and labour-intensive work—are people who come from Western Sydney. People missed out on that during the COVID lockdowns. I thought it was terrible that we had a position whereby Western Sydney was largely under lockdown while much of the rest of the city escaped that for periods. But it reminds people just how important Western Sydney is to the State's economy.

I lived in Western Sydney for many years—not anymore because I have moved regional, and I love that. Western Sydney is still a wonderful and integral part of the State's economy. This Government is doing enormous things to drive economic change in this State. To pick up a point from Ms Abigail Boyd, one of the things that I am looking forward to is the incorporation by the Treasurer of wellbeing economy measures in the budget. While the economy may be doing well, people sometimes cannot equate that with their personal experience of how things are going. One of the important things that I think wellbeing measures will do is force us to ensure that the economy is delivering for people. I commend the motion to the House.

**The Hon. RACHEL MERTON (20:44):** I support the motion moved by the Hon. Emily Suvaal. I like the policy statements. I like the recognition statements in the motion. I think it is all good. We have population growth and opportunity. We have to unlock that and we say, "Yes, yes." When I look a little bit further at the motion, I find there is not much further to look at, or to read. The reality is that we have the policy headlines, recognition statements, Western Sydney experiencing phenomenal population growth—doubling the rest of the State—yet the growth has not been matched, planned, thought of, or considered in terms of an infrastructure and a housing plan.

We speak of the housing crisis. We visit vacant land and talk about the availability of land in the greater west, the south-west and the housing solution. The land is sitting vacant. It is rezoned. It has development approval [DA] but because there is no government support around it, no government utilities and no water, the developers just sit back and shake the hands of new home buyers. We were aspirational, but what does that mean? They are not fair dinkum on housing delivery, or supply, or infrastructure, or funding. Labor cannot point to policy promises while ignoring the failure to meet the fundamentals, the targets and the National Housing Accord. We have our Premier rushing to Canberra to get a big pat on the back by our Prime Minister, Mr Albanese, and then he comes home. What are the targets? What is the funding? What is the infrastructure funding? We forgot to ask for it, but we are committed to the accord and the Prime Minister commends us for that. It means nothing.

I also refer to the comments on infrastructure made by my colleague the Hon. Damien Tudehope. We commend the Government for recognising the infrastructure investment—the roads, the motorways, the delivery. It is quite amazing. Drivers and commuters are asking: What is next? What is the plan? Is there a plan for the greater west and the south-west? The aspiration is huge. The population boom is huge. Small businesses are doing it tough. If they can retain basic staff, they do, but many small business operators are owner-operated—it is mum, dad, and no staff. Families are doing it tough. The cost-of-living pressure is hitting. Christmas is nearly here. Families are concerned. The west needs a plan, a better deal, a future.

**The Hon. SCOTT FARLOW (20:47):** I support the motion. I thank the Hon. Emily Suvaal for her advocacy and interest in Western Sydney from Cessnock. But we all Western Sydney because it is the heartbeat of New South Wales. Under the former Coalition Government, there were many investments throughout Western Sydney. Those investments were able to unlock new housing. I refer to things the Hon. Damien Tudehope may have mentioned by interjection, such as the Sydney Metro NorthWest that was promised many times by members opposite. That north-west rail link never got off the ground. Half a billion dollars was invested to produce not one single centimetre of railway line, and now we have a world-leading infrastructure piece that is unlocking housing

and the potential of Western Sydney and the north-west—an area that was neglected for too long under members opposite. That continues in the form of infrastructure investment.

Investment was started under the Coalition Government, such as the Rouse Hill Hospital—not the Rooty Hill hospital, which is the RSL. If the current Government wants to announce a proposal for a Rooty Hill hospital, fantastic, but put it on the table rather than forgetting Rouse Hill.

**The ASSISTANT PRESIDENT (The Hon. Peter Primrose):** Order! The time for debate has expired. I call the Hon. Emily Suvaal in reply.

**The Hon. EMILY SUVAAL (20:49):** In reply: This was fun. Who would have thought that someone who lives in Cessnock could possibly know a thing or two about Western Sydney—apart from the fact that I grew up there! I was born in Westmead Hospital. I grew up in Baulkham Hills 2153. Good old Baulko. I was there a long time before any of the major infrastructure went in. I remember the area before the M2 and before Castle Towers, let alone Castle Hill station. In my time I have also worked in Campbelltown and in Westmead. Suffice to say, to think that someone who currently lives in Cessnock could not possibly know a thing or two about anywhere else in the State—mind you, Cessnock is the centre of the universe so don't knock the Nock—is extremely narrow-minded. I will not be supporting a Latham plan for Western Sydney, but I remain open to the ideas that he may put forward. In terms of the Hon. Comrade Damien Tudehope's contribution, I acknowledge that on a Wednesday we often have many road to Damascus moments—

**The Hon. Damien Tudehope:** Have you had one?

**The Hon. EMILY SUVAAL:** I have not—not on this Wednesday. But my door remains open if you would like a form to join your union. No part of the motion says that things are great. I am not quite sure what part of the motion says that.

**The Hon. Wes Fang:** We agree; they are not.

**The Hon. EMILY SUVAAL:** No, they are not. We are in a cost-of-living crisis. People are genuinely doing it tough across the State, including in Western Sydney and where I live in the Hunter Valley. The motion states, "only by positive policy decisions", which we are interested in on this side of the House. That means investment in those areas to boost local jobs so that people have the opportunities that they deserve in Western Sydney. In terms of the contribution of the Hon. Jeremy Buckingham, the mountains are mountains in name only because they are hills. That is the first I have heard of that, but I acknowledge the member's contribution. The Hon. Rose Jackson mentioned that the Government has contributed record investment into the region and will continue to do so. [*Time expired.*]

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

**Motion agreed to.**

#### *Bills*

### **PUBLIC HEALTH (TOBACCO) AMENDMENT BILL (NO 2) 2024**

#### **Messages**

**The ASSISTANT PRESIDENT (The Hon. Peter Primrose):** I report receipt of a message from the Legislative Assembly agreeing to the Legislative Council's amendments to the bill.

#### *Motions*

### **RISING TIDE COURT DECISION**

**The Hon. WES FANG (20:52):** I move:

- (1) That this House notes that:
  - (a) on 7 November 2024 the Supreme Court of New South Wales made orders prohibiting Rising Tide from:
    - (i) holding a public assembly from 22 to 25 November 2024 at Horseshoe Beach, Newcastle, and adjoining parkland known as Camp Shortland; and
    - (ii) holding a public assembly from 23 to 24 November 2024 on Newcastle Harbour off Horseshoe Beach.
  - (b) the application for these orders was brought by the Commissioner for Police;
  - (c) in its reasons for decision the court referred to:

- (i) the past performance of Rising Tide, in November 2023, in encouraging and praising the actions of protesters who remained on the water after the scheduled end of a protest for which a permit had been granted, leading to 109 arrests;
- (ii) the likelihood "to the point of near certainty, that at the end of the period specified in the ... notice a significant number of participants will fail to return to shore and will continue to obstruct the waterway"; and
- (iii) the fact that "the cessation of shipping movements to and from the Port of Newcastle for at least 30 hours would fall directly and specifically on commercial and recreational users of the port, particularly on enterprises that are lawfully exporting coal under current government policies and legislation."
- (d) on 15 November 2024, the Director North, Transport for NSW, issued in the New South Wales gazette an exclusion zone covering Newcastle Harbour, under section 12 of the Maritime Safety Act 1998, effective from 5.00 p.m. on Thursday 21 November 2024 to 8.00 a.m. on Monday 25 November 2024; and
- (e) notwithstanding these prohibition orders, and the gazetting of the exclusion zone, Rising Tide has declared, "Despite this, the People's Blockade will go ahead and we are about to make history".
- (2) That this House congratulates:
  - (a) NSW Police Force on its responsible and successful application to the Supreme Court seeking these prohibition orders; and
  - (b) Transport for NSW on declaring an exclusion zone.
- (3) That this House calls on the Government to ensure that NSW Police Force and NSW Maritime are:
  - (a) fully resourced to enforce the prohibition orders and the exclusion zone and prevent any protesters from attempting to enter the waters in the exclusion zone; and
  - (b) able to provide the Port of Newcastle with the assurance it needs to continue with shipping as scheduled during the period the exclusion zone is in effect, over the weekend of 22 to 25 November 2024, with 14 bulk carriers scheduled to arrive and 14 bulk carriers scheduled to depart.

Last year Rising Tide set out to do one thing: blockade the Port of Newcastle. It sought to do so to exact economic destruction and vandalism on the coal exports from Newcastle that this State relies on for royalties, jobs and investment. It did so in a way that sought to not only shut down the port for the period specified in its request but also extend it past the time it initially indicated. The greatest predictor of the future is the past, and we know that Rising Tide not only broke the application it put forward for the protest but also proudly went on to say how it had continued the blockade. On a balanced and clear view of both its application and its history, one would have to say that Rising Tide is not to be trusted when it comes to applying for permission to protest.

I know members have previously—and even today—indicated their support for the Rising Tide organisation. They do so in circumstances where they know that, ultimately, Rising Tide cannot be trusted to follow the applications that it makes. That is certainly the view that has been taken by the commissioner and the NSW Police Force because they have made an application to the Supreme Court. Between the police, Transport for NSW and the port authorities, which are responsible for the waterway and the surrounding land that intersects with it, the permission for this protest has not been granted. The police Minister seems to change her view about the protests depending on who she is speaking to. On this side of the House we can agree that we commend the application of the New South Wales police and Transport for NSW, which has sought to restrict the movements of Rising Tide to make sure that the Port of Newcastle continues to be to economic powerhouse that it is.

It is not without a little bit of irony that at a time when this Government cannot even get the trains to run, at least we hope it can continue to export our high-quality black coal to the rest of the world. That will provide energy and security to our trading partners so that they do not have to burn inferior, lower quality brown coal and increase emissions. It is ironic that the members seeking to shut down our high-quality black coal industry are also the ones seeking to ensure that emissions around the globe are reducing. We know that if our partners that use our high-quality black coal cannot access it, they will end up burning a lower quality brown coal, increasing emissions and actually acting against those members' wishes. In the same way that Rising Tide abandons all logic in its protest applications, The Greens do exactly the same.

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (20:58):** On behalf of the Government I indicate that we support the motion. To be clear, everyone has the right to protest peacefully and lawfully but they do not have the right to break the law. I have received advice that police have attempted to work with organisers to negotiate a public assembly that does not compromise the safety of the participants, the community and police but, on this occasion, an agreed position was not able to be reached. This is not the NSW Police Force trying to stifle political expression but a genuine concern for the safety of those people who are proposing to gather.

Do you know who agreed with those concerns? The Supreme Court. The Supreme Court validated the NSW Police Force's concerns about the safety of the assembly by prohibiting both the water and land component

of the public assembly. To that end, we make our message to those people considering attending the event in Newcastle very clear: For their own safety, and that of the other users of the port, the police request that people who still choose to attend the event refrain from entering the harbour on kayaks or other vessels with the intention to obstruct other users of the port or engaging in other forms of civil disobedience. We also encourage all participants to follow the directions of police. Anyone who breaks the law faces arrest. Maritime will have an exclusion zone in place. Unless people have a genuine reason to be on the water, they should stay away.

The exclusion zone is for people's own safety: for protesters, maritime workers and police. It is a very busy port with approximately 4,500 shipping movements per year. It is one of the biggest commercial ports in Australia. There are dozens of ship movements scheduled between Friday and Monday. I reiterate that unless people have a reason to travel through the exclusion zone, police will stop them and they risk being arrested. There will be a transit lane for recreational fishers, sailors and people going about their daily life, but protesting is not a reason to enter the exclusion zone and will not be tolerated. We want to make sure that everyone is safe while ships travel in and out of the harbour, so I join others in the Chamber in imploring people not to attend or take part in that assembly. It is about safety and, as I have said, the police have tried to work with organisers. People absolutely have the right to protest, but they do not have the right to break the law or put other people at risk.

**Ms SUE HIGGINSON (21:01):** It does not bear out in truth, and therefore it is a lie, that the motion is purely about safety. It simply is not. If it was honestly about safety, the State would do precisely what it did last year: Close the port from Friday to 5.00 p.m. on Sunday, keep the coal ships at bay, let the coal workers have coffee or whatever they need to do on the weekend, and let the people gather, have fun, get on their flotillas, play on the water together and speak the truth about climate breakdown and the contribution that the coal of New South Wales is playing in the increase in global average temperatures. We have hit 1.5 degrees Celsius and are escalating at unfathomably rapid rates. Attribution science has proved that the floods in my home, and the reason I no longer have a town, happened because of climate breakdown. The attribution science also shows that the reason our fires were more catastrophic than ever before is because of the increasing carbon dioxide in our atmosphere.

In the Supreme Court, the police got an order against a Form 1. That does not affect the right to protest. The right to protest is an embedded fundamental human right that no State can take away from the people. In New South Wales, there is nothing that stops the public, the community or each citizen from protesting on the public lands or waters of New South Wales. The reality is that when the Hon. Tara Moriarty stands up and warns the people of New South Wales, and dog whistles and threatens their right to protest, it is a darn crying shame. What is happening in this State is overreach. It is draconian. I strongly suggest that the notice that has been issued under the Marine Safety Act is beyond power. It is precisely the sort of thing that happens when State governments start throwing their weight around and acting above the law. That is terribly dangerous. We have a rule of law. Within that rule of law, there is a clear right to protest.

**The Hon. Wes Fang:** The Supreme Court agreed with us. The Supreme Court—the Supremes!

**The PRESIDENT:** Order!

**Ms SUE HIGGINSON:** Shut up! Sorry. That is just ridiculous.

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** Order! Ms Sue Higginson will resume her seat. I remind all members of the appropriate behaviour in the Chamber. Members will cease interjecting.

**The Hon. Wes Fang:** Point of order: The language used by Ms Sue Higginson was unparliamentary. I ask you to ask her to withdraw her comment.

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** There is no point of order. I was making a point about all members' behaviour. Ms Sue Higginson already apologised for her comment.

**Dr AMANDA COHN (21:04):** If previous governments had the current Government's attitude to protest, we would not have the Franklin River. Bob Brown and his colleagues at the time saved the Franklin River through a strategy of direct action where people put their bodies on the line and were willing to get arrested. Actually, the strategy was to fill the jails. The strategy was to have so many people arrested that it was not possible to protest them. I am so grateful to those people that they took that action. I think all of us are. I think the majority of the Australian public now agree that it was the right thing to do. It was the action that was needed to save the Franklin River and it is the action we need now on climate change.

People who are distressed by the inaction of governments know that writing more letters, signing more petitions and holding more placards has not worked. The people who want them to stand around in a park and not actually take direct action know that will not work. For people who feel completely disempowered and for young people today who are distressed, a protest like Rising Tide is a collective opportunity to show that our collective actions can actually make change and that for one weekend—just one weekend—the coal ships will not go in and

out of the Port of Newcastle. That is incredible inspiring and incredibly empowering for people who sometimes feel like their actions do not matter. We can show them that they do. It was an absolute privilege to be a part of that action last year and it will be an absolute privilege to be a part of it this year.

The point of approval for protests should not be that the State can decide who can and cannot protest and what issue people can and cannot protest on. The point of approval for protests should be about safety. It should be because when authorities know that thousands of people are going to come into the harbour, they use that information to stop the coal ships. That is the safest thing to do. The organisers of this protest have gone to extraordinary lengths, as volunteers, to organise for safety. I have put my hand up to participate in a rotating roster of on-call medical officers. I have also put myself down for a water safety shift as a trained State Emergency Service rescue volunteer, alongside other people with similar skills. The organisers have actually gone to the trouble of having a roster of qualified and equipped people to provide safety. The safest thing the Government can do is stop the coal ships. If it does not want people to protest about climate change or try to stop the coal ships, it should take the action that is needed on climate. It should stop expanding and approving new coal and gas projects.

**The Hon. SCOTT FARLOW (21:04):** We heard it here: The Greens want the coal ships stopped. They think that the Supreme Court should not have made its determination. They think we should not be stopping the protesters intermingling with the coal ships. They think the safest action is to stop the coal ships that operate lawfully in Newcastle Harbour. The Port of Newcastle is, of course, one of the major export hubs in this State. Thousands of jobs across the Hunter depend on the Port of Newcastle and the shipments going in and out of that port. The Supreme Court has made the determination that it is unsafe for this protest to happen. Unfortunately, we have witnessed the reckless actions of the Lord Mayor of Newcastle, who said, "Come on down."

To make matters worse, the police Minister has given very mixed messages to the community. Now she is "The Fonz" and it is happy days. "Come on down, it's happy days." It is not happy days for the people of Newcastle. It is not happy days for the people of the Hunter who rely on the Port of Newcastle and rely on the functional operation of one of the largest export terminals in Australia. It will not be happy days for protesters in the area who are intermingling with coal ships. Unfortunately, Rising Tide has a long history of not being able to contain its actions. That was one of the key concerns for the Supreme Court when making its determination about the actions that Rising Tide had planned at the Port of Newcastle. Rather than upholding the Supreme Court's decision, the Lord Mayor of Newcastle has given a green light to everybody to thumb their noses at it. Sadly, that will put people's lives at risk in Newcastle Harbour this weekend.

For all that can be said about actions that could be taken, including the presence of medical officers or water safety officers, the reality is that if somebody is on a kayak intermingling with a ship that is taking out thousands of tonnes of coal, it will not end well for the kayaker. Newcastle Harbour is already a very busy waterway. This kind of activity—trying to stall and disrupt essential exports for our State, which are part of our international obligations—is completely and utterly reckless. Rather than the Minister saying, "Happy days, come on down!", like the Lord Mayor of Newcastle, she should have sent a clear message to everybody that it is just not on—"Don't get in the water that weekend. Stay on the shore."

**Ms ABIGAIL BOYD (21:10):** This is a hysterical motion. I would love to see members in this Chamber come along to the Rising Tide protest on the weekend. It is not just fun, lighthearted and incredibly safe and organised, but it is also good for one's mental health. I am very concerned. The Labor Party needs to wake up. If the Government is not meeting people where they are, they will reject Labor at the next election. It is very serious. The vast majority of people in the State are concerned about climate change. This Government was supposed to be a great, shining light that would finally turn things around. Instead, it is a government that will not stop native forest logging and will not stop approving new coal and gas projects. In many respects, this Government is almost worse than the previous Coalition Government on some of those issues.

When people complain and try to tell the Government that it is not listening, they get a response like the one we just heard from the Minister—"We will not tolerate it." This State is more draconian than countries like Russia when it comes to our protest laws. Instead of unwinding those laws when it came to power, Labor is making them worse. The Government is telling people, "We will not tolerate your dissent. If you want to tell us how you feel about something, maybe write a letter—maybe. But don't do anything else. You can't protest. You can only protest in a State-sanctioned place. Don't protest near a metro station. Make sure that you're not using certain signs. We will not tolerate your dissent." That is what is said. That is the attitude of this Government, and that is why it is in real danger of losing the people who elected it. People elected this Government to take action on the things they care about. They care about climate action. Now, not only—

**The Hon. Wes Fang:** I think it's cost of living.

**Ms ABIGAIL BOYD:** Of course, it is cost of living as well. We can talk about economic destruction from climate change. But the Government is telling people, "No, no, no, be quiet." Then, on the one weekend when people actually get to be with other like-minded people to heal from a year of feeling gaslit and frustrated with the Government, the Government is saying, "We will not tolerate your dissent." That is disgusting.

**The Hon. STEPHEN LAWRENCE (21:13):** There is a slightly strange situation in New South Wales when it comes to the Summary Offences Act 1988. Under section 25 the court has the power to issue a prohibition order in respect of a proposed public assembly, but the granting of that order does not actually prohibit the public assembly. It has led to lots of debates in this place that, quite understandably, are on an uncertain foundation. It all flows from the wording and the titles in the Act, which is unfortunate, and it is the consequence of a law that passed in 1988. That was a long time ago; there is no-one to blame for it.

I have no idea what the Lord Mayor of Newcastle said about whether he encouraged people to attend. The important point is that the order made by the Supreme Court does not in any way prohibit any person from attending that place. What the Minister said is, of course, absolutely correct. If someone goes to that place and breaches the criminal law, police will attend and, presumably, they will be proceeded against. I point out the issue about the wording of sections 23 and 25. It flows through in the wording of the motion, which says that the Supreme Court has prohibited a public assembly that was proposed to be held between 23 and 25 November. That is consistent with the wording of the Act, but it is not actually correct. At the very least, it is highly ambiguous.

I made the point earlier because we continually have these contentious issues around public assemblies and applications to courts and orders in the Supreme Court. Quite understandably, people think that a prohibition order means that a particular protest is banned, but it does not mean that. As a repository and as protectors of the liberties of the people, it is a bit disturbing when people seem quite comfortable with the proposition that a court can ban a protest. That proposition should outrage people. It should not be casually accepted as the natural order of things. It really says something about a complete lack of regard for and understanding of human rights. It is quite pathetic. I raise that point, because I think it is an ambiguity in the motion. However, I support the motion.

**The Hon. DAMIEN TUDEHOPE (21:16):** I must say that was an interesting contribution from the Hon. Stephen Lawrence. The member seemed to suggest that the protest could go ahead. By pointing to the ambiguity that he says exists within the section, he seemed to suggest that, in contravention of the order made by the Supreme Court relating to the form 1 that had been lodged, the protesters could still proceed. That is just wrong. In fact, to the extent that the member perpetuated the ambiguity in his contribution, it is particularly unhelpful. I congratulate the Minister on the clear articulation of what she says is the Government's position about what is to occur on the weekend. Members of this place should not be left in any doubt about what the Government's position is in respect of contraventions of the prohibition orders that have been reached and the exclusion zones that have been created.

The clear articulation by the Minister was that the commercial shipping lanes coming in and out of Newcastle Harbour this weekend will not be interfered with by protesters on the water. That was a clear articulation this morning, which potentially others should have given long before this Minister was required to give it in this place in response to this motion. In fact, it is the most articulate representation of the position that should be identified to those people who will be gathering in Newcastle this weekend about the attitude that the Government will take when boats take to the water seeking to disrupt those shipping lanes.

We could reflect on why it was necessary to go back to the court this year. Part of the argument arises by virtue of what occurred last year, when lots of people who engaged in a protest in contravention of the terms by which the protest could be conducted ignored the directions of marine authorities. That is where the safety issues become absolutely paramount in the eyes of the people who are guiding very significant merchant shipping through that channel. Those safety issues are not just for the people in the flotilla but also for the people who are guiding the ships. [*Time expired.*]

**The Hon. EMILY SUVAAL (21:19):** I also speak in support of the motion, and I highlight the part that reads:

... in its reasons for decision the court referred to:

- (i) the past performance of Rising Tide ... in encouraging and praising the actions of protesters who remained on the water after the scheduled end of a protest for which a permit had been granted, leading to 109 arrests;
- (ii) the likelihood "to the point of near certainty, that at the end of the period specified in the ... notice a significant number of participants will fail to return to shore and will continue to obstruct the waterway";

The Port of Newcastle is obviously a major shipping channel for coal, but also for grain. People like to focus on the coal aspect of the Port of Newcastle, but a lot of grain also goes out of that port, and that is a very important commodity for the rest of the world.

**The Hon. Wes Fang:** And for Western Sydney.

**The Hon. EMILY SUVAAL:** I acknowledge that interjection. The port itself is quite unique in its width and the ability of those massive ships to get in and out. Of course, the ships cannot turn around in the port, and they need a pilot to bring them in and out. A helicopter takes a person out to the ship to bring it in, and then they take it out again. It is an enormous logistical operation. In terms of the weight of the ships, I refer to an article in this morning's *The Daily Telegraph*, which is not something I often read, that talked about the weight of the 90,000-tonne freighters and the fact that someone piloting one of the ships cannot see a canoe that is in the water. For the ships that are entering and leaving the channel with great frequency, which are obviously a huge economic contributor to our region, there are significant safety concerns in the Port of Newcastle. It is 180 metres by 120 metres, and moving that freighter in and out is a massive logistical operation. In terms of what that port contributes to not only our region but the entire economy, it is an extremely important asset for the Hunter. [*Time expired.*]

**The Hon. WES FANG (21:22):** In reply: I thank all members who have made contributions to debate. In particular, I thank the Government for its unwavering and unambiguous statement: If people go on the water, they will be arrested. The Government may not be able to keep the trains running, but it can certainly keep the coal flowing. That will be particularly good for the Hunter and Western Sydney, as the Hon. Emily Suvaal will attest. It is important not only for coal but also for the other exports that leave the port. Some of the contributions to debate were unfortunate in that they failed to acknowledge that people's own behaviour in last year's protest has led to the outcome this year.

Those protesters sought to have a permit for a period, and it was granted. The Port Authority, the Government and Transport for NSW all contributed to make sure that they could protest safely. However, they could not play by the rules, they could not honour the agreement they had made and they continued to blockade the port after the agreed period. When that trust is broken and the contract with the State and the people of New South Wales is broken by the protesters, it is no wonder the application by the Supreme Court was rejected. I mirror the Hon. Damien Tudehope's observation that the Hon. Stephen Lawrence's contribution was somewhat opaque and underwhelming, given that the Minister was so clear in her determination.

It is almost as if the Hon. Stephen Lawrence was encouraging protesters to go to the port and try to use legal ambiguities as cover. Obviously that creates a bit of a rift in this Government. I am sure that the Premier, the police Minister and the Minister representing the police Minister in the Legislative Council will make sure that the Hon. Stephen Lawrence is told in no uncertain terms that this Labor Government is going to back in the position I have adopted in this motion, which is that the protest is inappropriate. The protest is wrong, and Rising Tide is no more than a sunken ship.

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

**The House divided.**

Ayes .....27  
 Noes .....5  
 Majority.....22

AYES

Barrett	Latham	Murphy
Buttigieg	Lawrence	Nanva (teller)
D'Adam	Maclaren-Jones	Primrose
Donnelly	Martin	Rath (teller)
Fang	Merton	Roberts
Farlow	Mitchell	Ruddick
Houssos	Mookhey	Sharpe
Jackson	Moriarty	Suvaal
Kaine	Munro	Tudehope

NOES

Boyd	Faehrmann	Hurst (teller)
Cohn (teller)	Higginson	

**Motion agreed to.**

*Documents***RACING NSW****Production of Documents: Order**

**The PRESIDENT:** Order! I ask members to leave the Chamber if they are intending to do so, so the Hon. Mark Latham can be heard in silence.

**The Hon. MARK LATHAM (21:33):** I seek leave to amend private members' business item No. 1449 for today of which I have given notice by omitting paragraph (c).

**Leave granted.**

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

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 July 2009 in the possession, custody or control of Racing NSW relating to Racing NSW staff complaints, non-disclosure agreements, or financial and accounting practices:

- (a) all documents relating to all complaints made by staff to the Chief Executive;
- (b) all non-disclosure agreements signed by the Chief Executive;
- (c) all documents relating to:
  - (i) the payment of Fringe Benefits Tax;
  - (ii) the application for and the collection of JobKeeper and other COVID-related payments; and
  - (iii) the payment of COVID bonuses to Racing NSW employees.
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

The items sought by this order for papers are as a result of evidence of the utmost seriousness that was presented to the Select Committee on the Proposal to Develop Rosehill Racecourse. Every parliamentarian would naturally be concerned if a regulator in New South Wales were breaching the law, particularly in the payment of fringe benefits tax and the collection of JobKeeper. Evidence was presented that there has been collaboration with racing clubs to withhold certain payments to allow them to also fraudulently claim JobKeeper, the emergency Commonwealth payment during the COVID period. Last week I set out the items contained in the motion in the second reading speech of my Thoroughbred Racing Amendment (Racing NSW Accountability) Bill 2024. Members of the committee know full well what I am talking about here. Racing NSW has effectively not been accountable to anyone for 20 years. It is a legitimate power of this House to compel the production of these documents, particularly given the speculation at the current time about revision or consideration of the Thoroughbred Racing Act and its future.

Obviously, to inform ourselves as parliamentarians and check that the law is being followed in New South Wales and elsewhere, we need that information at hand through the production of these documents. Members should all truly believe in the Standing Order 52 power. At a time when the mainstream media is so weakened and the accountability of government is so contentious, the Legislative Council has an important role to play. Considering the evidence presented to the committee and the ongoing arm wrestle with Racing NSW about the power of the House to compel the production of documents under Standing Order 52, I urge members to support this motion and shine some light on an organisation with bad practices that has been hiding in the dark for far too long.

**The Hon. DAMIEN TUDEHOPE (21:36):** At the outset I thank the Hon. Mark Latham for his cooperation in amending the motion to delete paragraph (c). It is the Opposition's position to work with crossbench members of whatever persuasion on Standing Order 52 motions. It is part of the conversion I have had since moving to this side of the House. I now understand the wonderful work that Daniel Mookhey used to do when he was on this side of the House in relation to Standing Order 52 motions. The Opposition supports all Standing Order 52 motions that relate to ensuring that the Executive Government is held to account.

I observe that the motion calls for documents relating to the accounts of Racing NSW, but I would have thought that those documents are already publicly available. Because Racing NSW is a corporate body, the auditing of those accounts should also be available. So I would anticipate that a significant number of documents that have been sought as part of this motion should be readily available. In the circumstances, I indicate that the Opposition will be supporting the motion. It is an important component of the functions of this House to ensure that these documents are produced.

**The Hon. ROD ROBERTS (21:39):** I make a brief contribution to this debate. I am not a member of the committee conducting the Rosehill inquiry and have not been personally involved in this matter. But I have sat back as an interested observer to what has been taking place in the Rosehill inquiry and in subsequent debate in this House. I am shocked and amazed at some of the information that has been brought forward. In that regard, exercising the powers of this House and noting the importance of its role, I propose an amendment that I believe will enhance and strengthen the motion. I move:

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

- (iv) all financial reports prepared for and presented to the Board of Racing NSW; and
- (v) communications with race clubs in New South Wales designed to ensure they qualified for and received Commonwealth JobKeeper payments, including financial and other records relating to the withholding of payments by Racing NSW to achieve this purpose.

I believe this amendment has been circulated and all members should have a copy. The amendment will enhance the motion. It certainly helps this House exercise its powers under Standing Order 52. I encourage members to support my amendment.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (21:40):** The Government does not support this call for papers under Standing Order 52 [SO 52]. There have been a number of these SO 52 motions brought over several weeks. I am not going to go through the issues in relation to the power of the House. That is not what is being contested here. The simple fact is that the Hon. Mark Latham has some very strong views on this matter. He is allowed to move this motion. But the Government disagrees with the way in which this matter is being pursued. What started off as an inquiry into a proposal at Rosehill has become a one-person campaign about Racing NSW. Again, the member is entitled to pursue that campaign, but the Government does not accept that this is a reasonable way to do business. We also do not believe that it is reasonable to pursue the matter by naming individuals. The Government welcomes the amendment to remove one name from today's motion, but the member has pursued a lot of this under parliamentary privilege.

The point is that if there are serious allegations to be made, there are other places to which they should be referred, whether that is to the police, the Australian Taxation Office or the appropriate thoroughbred racing industry body to which such complaints are made. This is being pursued by the member. As I said, he is entitled to do so. I also make the point that the Opposition works with the crossbench in relation to SO 52 motions. I know that when Labor was in opposition, we did that a lot. But it was not a blank cheque to continue to pursue every single issue in the way in which some individual members were doing it, and there were times when we did not support those matters. That is a matter for the Opposition. They are entitled to their view.

The Government does not support this SO 52 motion. We do not deny the power of the House to seek the documents, but there is a question mark over the way in which Racing NSW responds to that order, and that is working its way through a process. Rather than appeal to the Hon. Mark Latham, I ask all crossbench members to consider whether there is any point at which they would not pursue some of these matters—or are they just going to back in everything? It is a matter for them, but the Government would urge them to reconsider their support.

**The Hon. MARK LATHAM (21:43):** All of these matters are being pursued, as the Leader of the Government expressed, because of sworn evidence. You would not be much of a parliamentarian if you ignored sworn evidence of illegalities, irregularities and improprieties at a major industry regulator in New South Wales. The suggestion that a parliamentarian could ignore those at any time, I believe, is a far greater condemnation of this House than any argument about what the Opposition does or what The Greens do or what the crossbench thinks or whether I am leading the charge.

I am proud that I am taking my responsibilities as a parliamentarian seriously to the point of wanting documents to examine sworn evidence that made very serious allegations against a major industry regulator in New South Wales. I would be ashamed of myself if I did not. That is the truth of it. There are media organisations who have a different point of view and take a certain stance. They declare nothing in terms of their interest. As a parliamentarian, I do what I believe is right, in the name of integrity, for a better racing industry with the powers of this Chamber.

The Leader of the Opposition made a very good point about the reporting and financial accounts of Racing NSW. I should have mentioned it earlier. I thank him for raising it. In the financial year 2020, the income of Racing NSW increased by \$34 million. It is very unlikely that its revenue decreased by 30 per cent in any quarter to qualify for JobKeeper. In the financial year 2021, its revenue increased by \$112 million. It also received JobKeeper in that particular financial year. Again, it was very unlikely that it had a 30 per cent reduction in a financial quarter. In 170 pages of the Racing NSW annual reports, in 2020 and 2021 there is not one single mention

of JobKeeper receipts. That is not in the statements of the chairman or the CEO at the start of the annual reports or in the financial accounts. In the 170 pages of the reports, members will not find any mention of Racing NSW receiving \$3 million in JobKeeper from the Commonwealth.

A lot of statements were of Racing NSW thanking the wonderful State Government for keeping it open. but one would think that someone at Racing NSW would thank the Commonwealth for the \$3 million in emergency funding that it definitely received. One would also think it would be accounted for in its financial statements. Racing NSW told a website that it is all independently audited. What was audited if there is no mention of JobKeeper in any of the financial statements that had been made public? Racing NSW did not mention it because it did not want anyone to know, which points to a firm suspicion that it is doing the wrong thing and why this SO 52 is valid indeed.

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

**The House divided.**

Ayes ..... 18  
Noes ..... 11  
Majority..... 7

**AYES**

Barrett	Farlow	Merton
Boyd	Higginson	Mitchell
Buckingham	Hurst	Munro
Cohn	Latham	Rath (teller)
Faehrmann	Maclaren-Jones	Roberts
Fang (teller)	Martin	Tudehope

**NOES**

Buttigieg	Kaine	Primrose
D'Adam	Lawrence	Sharpe
Donnelly	Murphy (teller)	Suvaal
Houssos	Nanva (teller)	

**PAIRS**

Carter	Moriarty
Farraway	Mookhey
MacDonald	Graham
Ward	Jackson

**Amendment agreed to.**

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

**Leave granted.**

**The House divided.**

Ayes ..... 18  
Noes ..... 11  
Majority..... 7

**AYES**

Barrett	Farlow	Merton
Boyd	Higginson	Mitchell
Buckingham	Hurst	Munro
Cohn	Latham	Rath (teller)
Faehrmann	Maclaren-Jones	Roberts
Fang (teller)	Martin	Tudehope

## NOES

Buttigieg	Kaine	Primrose
D'Adam	Lawrence	Sharpe
Donnelly	Murphy (teller)	Suvaal
Houssos	Nanva (teller)	

## PAIRS

Carter	Graham
Farraway	Mookhey
MacDonald	Jackson
Ward	Moriarty

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

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

That this House do now adjourn.

**THE HON. MICHAEL MCCORMACK****THE HON. SAM FARRAWAY**

**The Hon. WES FANG (21:58):** I congratulate the Hon. Michael McCormack, who was re-preselected on the weekend for the electorate of Riverina in the upcoming Federal election. Michael McCormack, the former Deputy Prime Minister of this country and a long-time resident of Wagga Wagga, is a good friend and colleague of mine. We have been campaigning together for quite a while. I know that the Riverina will have a strong and powerful advocate in Michael McCormack, whether in government or opposition—fingers crossed that it will be in government come the next Federal election. The Albanese Federal Labor Government is not focused at all on the cost of living or anything that is impacting people in rural and regional communities; it is focused on other issues.

Riverina is one of those electorates that is always impacted by boundary changes. When Michael first took over, it included the irrigation areas around Griffith, Leeton, Narrandera et cetera. Then when a redistribution occurred, a number of elections later, it took in some areas in the Central West. This redistribution has seen it take in the local government areas around the Snowy Valley. Effectively, the electorate of Riverina will run all the way to the Australian Capital Territory border. Luckily, that area has long been represented by good National Party people at a State and Federal level. I am confident that despite the boundary changes, Michael McCormack will continue to deliver for Riverina, whether it includes the Central West, the Murrumbidgee Irrigation Area or the Snowy Valley area to the border.

In congratulating Michael, I must also congratulate the Hon. Sam Farraway, who gave his valedictory speech today. I had a great friend and colleague in Sam—somebody who I could rely on at every juncture and who always fought for his community and the State. Now the people of Calare will have the opportunity to elect somebody who will fight for them with the same vigour that he fought for roads funding and regional transport in this place. He will do that in Canberra for them. I know that, in Sam, the Central West will have somebody who will listen to them and take their views to Canberra, not somebody who uses their position to seek to better themselves or promote themselves into positions by playing numbers and factional games. They will have someone who will work hard, fight for their community, listen to their community and represent their interests.

I will not even try to make a veiled reference. Andrew Gee, who was a member of the National Party, effectively confected a reason to leave because he had backstabbed so many former leaders that I do not think anybody in the party room trusted him anymore. It is no wonder that a person of that sort of character and calibre ends up on the outer at both a State and Federal level. Certainly, I do not think he was very popular when he left this place. But that issue can be fixed come the Federal election because, as he said in his speech today, the Hon. Sam Farraway is a strong and thoughtful advocate for the people of the Central West. I wish him the very best in representing The Nationals in Calare at the next Federal election.

## RETAIL WORKERS

**The Hon. BOB NANVA (22:04):** With the Black Friday shopping bonanza around the corner, it is timely to look under the bonnet of the business practices that underpin events like these. Since emerging from the United States off the back of the Thanksgiving holiday, Black Friday is now a permanent fixture on the Australian retail calendar. However, what seems like a guilt-free pleasure for consumers is shrouded in moral ambiguity, the testing of legal boundaries and the carefree disruption of supply chain logistics. Holiday season deals and conveniences for consumers are only possible through the efforts of workers across multiple sectors, including retail, transport and warehousing. Some companies such as Amazon—a prolific promoter of Black Friday—operate across all three of those sectors.

Given the pressure these workers are under, the high expectations they are required to meet and the time frames they are required to keep, one would rightly assume that their contributions are valued, that they are fairly remunerated and that they are treated with dignity. Yet in the case of many modern retailers, including Amazon, it is all too often the case that the opposite is true. Often they preside over workplaces that track every movement, time every activity and monitor every route to enforce merciless efficiency rates and performance requirements. It is an industrial landscape recently described by one journalist as being akin to living in "your own real-life version of pacman".

I have been shocked by the ruthlessness with which these companies drive their human capital, by the pace in which workplaces have become so dystopian, and by the apparent acceptance that companies can simply treat humans as though they are machines. That is not to mention the obvious concern about the dangers posed by this output zealotry. Historically, Amazon has recorded injuries at a rate 80 per cent higher than its peers. Many attribute this to an obsession with speed, forcing workers to observe high picking targets under intense scrutiny. Based on his own experience working at an Amazon warehouse in North America, researcher Mostafa Henaway noted:

If there's anything that sets the company apart, it's the ability to foster a myth of job security and belonging while becoming a monopolistic force that methodically exploits workers.

He estimated that to keep on top of his rates, which were strictly monitored, he would have to move a box every six to eight seconds. The contents could vary from anything from a book to a barbeque. Every individual movement was scrutinised not just by his superiors but by wearable devices and algorithmically driven surveillance equipment. That the company has referred to workers as "industrial athletes" and distributed a pamphlet that provides tips on how to buy shoes to fit their swollen feet is emblematic of the approach and demonstrative of a deep cultural problem. Ruthless efficiency is the norm at the cost of everything else, and the practices at play point to burnout and turnover being not just a bug of the system but a deliberate feature, or what some refer to as "burnout by design".

In 2022 Amazon's executive was told it could run out of workers by 2024 if it did not address its high turnover rate of 150 per cent amongst warehouse staff. That was an outcome, mind you, that founder Jeff Bezos initially described as a good thing because high retention rates would lead to a "march to mediocrity". That right there says everything we need to know about the disgraceful mentality of Amazon, its founder and, alarmingly, a growing cross-section of the industry. These practices are not isolated to Amazon. The insidiousness of the model lies in the fact that Amazon can package it up and export it elsewhere by marketing its own labour management technologies. By purchasing Amazon Business Analytics, other companies are able to rent the metrics platform used to manage workers.

That is a scenario that could result in an arms race to the bottom, where workers are at the mercy of an algorithm. There are two ways that corporations can leverage profitably from their most valuable resource—their workforce. The first way is to squeeze and exploit and dispense with them perpetually and the other way is to treat them with dignity, remunerate them well and retain them so they are motivated, productive and invested in the success of the organisation. Amazon, and increasingly other retailers, have chosen one way. I implore them to choose the other. If they do not, this and other parliaments should have no compunction about changing the legislative framework to force them to do so.

## WORKPLACE SURVEILLANCE

**Ms ABIGAIL BOYD (22:08):** Australian laws are failing to protect workers from intrusive and unreasonable surveillance. The resulting harm to workers cannot be overstated. With the advent of artificial intelligence and machine-learning capabilities, workplace surveillance has accelerated. It is being used by management to exert greater control over workers, driving work intensification without any corresponding improvement in pay and conditions. The result is a shift of business risk to workers: With workers' every movement being closely monitored and quantified, paid work time can be minimised. Unsurprisingly, the use of

workplace surveillance is creating worker burnout and toxic organisational cultures. This creeping stranglehold of workplace surveillance is intrusive and dehumanising and demeans the autonomy and the rights of workers.

Workplace surveillance is prevalent across our society, and it does not discriminate by industry or jurisdiction. Its examples range from the arbitrary punishment of gig workers kicked off platforms due to metrics beyond their control, to biometric scanning, eye-tracking, digital wearables that track location, speech patterns and the content of conversations, sentiment and mood analysis, workplace competition and leaderboards displaying workers outputs, and the omnipotent surveillance tracking of browsing history, email contents and phone call contents. Workers are being filmed taking industrial action as an attempt to intimidate them. Interpersonal relationships between workers are monitored, and surveillance is used to engineer divisions between workers. These practices are experienced by workers as demeaning. They create anxiety and stress and pose a risk to workers' mental and physical health.

Advanced technologically facilitated workplace surveillance ranges from annoying to invasive to pernicious and outright dystopian. Commercially available technology, used by employers, includes a facial recognition technology that assesses concentration, tracks micro-expressions and small changes in muscle movements in a person's facial expression—for example, their mouth tension or the intensity of a person's gaze—to determine whether they are concentrating sufficiently. There are monitored instances of employee webcams being used by employers to monitor whether a worker has been at their desk for the requisite time. Bosses are even scanning workers' brains to make sure they are concentrating enough. It has become common practice across Australian mining companies to require workers to wear an electroencephalogram device, or an EEG, while they work to take measurements of workers' brainwaves. This is a good example of the creepy and dangerous influence of workplace surveillance and overreach.

Often, surveillance will be touted as a workplace safety upgrade, and these mining companies will no doubt claim that the purpose of scanning workers' brains with EEG tests as they work is to identify when a worker is at risk of a microsleep. But when this claim is interrogated for even a moment, it becomes clear that this is just perpetuating an employment relationship where workers, rather than being provided adequate breaks and appropriate shift lengths, are instead driven to continue working right to their algorithmically determined physical limit. This is a deeply dystopian prospect, but it is all too common and indicative of the employment dynamic that is permitted through advanced technological workplace surveillance.

Unions have also identified instances in which Amazon has deployed surveillance to directly intimidate and threaten union officials in the course of their representative responsibilities. Amazon of course is a notorious offender when it comes to dangerous levels of work intensification driven by onerous and algorithmically driven workplace surveillance. In Australia, Amazon's Melbourne warehouse has been described as being built on a culture of fear, with dehumanising conditions where warehouse staff are constantly timed and monitored as they pack goods under instruction from an algorithm.

In America, the intense and unrealistic expectations placed on workers in their fulfilment centres have seen pregnant employees go into labour on the shop floor and even deaths as a result of dehydration and overwork. But Amazon is no outlier. Woolworths staff in Australia face the same dehumanising pressures, under what Woolworths describe as engineered standards. In early 2024, without consultation with workers, or their union, Woolworths introduced a worker performance management program referred to as the Framework, to be rolled out across all Woolworths distribution centres in Australia. Under the Framework, should a worker fail to meet the designated speed of work at 100 per cent capacity of every measured minute of their shift, they are placed on a 12-week coaching program referred to as the Glidepath. Disciplinary processes are commenced against those deemed not at standard.

The United Workers Union has described Woolworths engineered standards as a form of neo-Taylorism exemplifying an authoritarian, low-trust model of management in which employee non-compliance is threatened with dismissal. Like inventory, workers also become a point of data which is monitored in terms of speed and movement, forming the basis of pick rates and other performance metrics that are then subject to enforcement by management. More than 1,500 workers at four Woolworths supermarkets and liquor warehouses, including one in New South Wales, will commence indefinite strike action from tomorrow. Part of their log of claims includes an end to this punitive performance management Framework. I express my solidarity with these workers in their struggle. I also express my support with workers in Amazon distribution warehouses in Australia and around the world as we approach Black Friday—a period of extreme intensity and demand on workers.

### CLASSICAL LIBERALISM

**The Hon. CHRIS RATH (22:13):** Classical liberalism is a belief that the individual should reign supreme over the State, rather than the State using individuals as a means to its own ends. It is a belief in democracy and our most fundamental rights—freedom of thought, speech, worship, association, property and exchange. Unlike

other isms, classical liberalism is unique in that it does not aim to tell individuals how to live their lives, it does not seek more power for the State and it does not want to impose a utopia here on earth by pursuing abstract ideologies in the name of perfection. Classical liberalism is the world's most successful political philosophy. That is evidenced by the fact that classical liberalism won.

Today we live in a country built on liberal principles like democracy, freedom, human rights, the rule of law and a capitalist market economy. We in Australia and the west believe—or, at least, the vast majority of sane, normal people believe—that those things are inherently good. To that end, when threats arise that challenge our classical liberal foundations, we confront them and, for the last century or more, we have won. We defeated imperialism, authoritarianism, Nazism and communism. Today, although we face new threats from Islamo-fascism, Russian militarism and the Chinese Communist Party, my prediction is that even against these new threats, we will also be victorious, because there is no better way to order society than through classical liberalism.

Just take, for example, the United Nations. Its seminal and pre-eminent document, the *Declaration of Universal Human Rights*, is an assertion that classical liberalism has, indeed, won. It has won because it asserts that the principles of human dignity and human freedom are morally correct and universal regardless of where one lives in the world. As the very first article states, "All human beings are born free and equal in dignity and rights." If the author of the declaration were a communist, socialist, fascist or authoritarian, they would not have drafted it in that way, using that language. So then where does conservatism fit in in all of this? Of course, the principles are largely the same, for at the heart of small-government conservatism is also a belief in human dignity and human freedom.

Conservatives believe in conserving the institutions and values that have stood the test of time, but they are essentially classically liberal institutions and values. Classical liberals support a bicameral Westminster parliamentary democracy, federalism, the separation of powers, the rule of law, habeas corpus, property rights, the presumption of innocence and our most fundamental freedoms. But are these not the very same institutions that have stood the test of time and that conservatives want to conserve? Classical liberals and small-government conservatives are natural allies—some might even say they are tautological, or two sides of the same coin. That is because in the Anglosphere, our type of liberalism is in the tradition of John Stuart Mill, John Locke, Edmund Burke and Adam Smith. It is a liberalism of the right rather than a liberalism of the left.

In that sense, our liberalism—the classical kind—comes from the sceptical or Scottish enlightenment and fits well with conservatism, unlike the radical or French enlightenment. The source of truth for how well classical liberalism and small-government conservatism work together is demonstrated by the Liberal Party's platform, condensed into the "We Believe" statement. Its elegantly unifying prose commits our party to individual freedom and free enterprise. The first tenet states:

We believe:

In the inalienable rights and freedoms of all peoples; and we work towards a lean government that minimises interference in our daily lives; and maximises individual and private sector initiative.

The Liberal Party must always be the custodians of classical liberalism and small-government conservatism; that is our winning formula. We are not a far-right, big-government, reactionary and populist party that has surrendered our intellectual might to the angertainment of *Sky After Dark*, nor are we a flaccid, believe-in-nothing, centrist and managerialist party that is pushed around by whatever the trend of the day may be. Our values are universal. They are timeless, they are morally correct, and they are worth fighting for.

## NUCLEAR ENERGY

**The Hon. TAYLOR MARTIN (22:19):** On Monday I was happy to learn of a statement from the United Kingdom [UK] energy secretary the Rt Hon. Ed Miliband, MP, that Australia was set to join a multilateral research agreement on advanced nuclear reactors between the United Kingdom and the United States. Australia was among several nations expected to sign and join into the agreement that included Canada, France, Japan, South Korea, South Africa, China, Euratom—the European Atomic Energy Community—Switzerland and, as was drafted and published, Australia. As part of the statement Mr Miliband said:

Nuclear will play a vital role in our clean energy future. That is why we are working closely with our allies to unleash the potential of cutting-edge nuclear technology. Advanced nuclear technology will help decarbonise industry by providing low-carbon heat and power, supporting new jobs and investment ...

Members can imagine my disappointment when it emerged later that day that Australia had actually refused to participate and, like a scene out of *Utopia*, *The Hollowmen* or *Yes, Minister*, the press release that was published online from the UK's energy Minister had to be rewritten to exclude Australia after the Federal Government declined.

It is actually quite a sensible and reasonable agreement to sign up to. It aims to support information sharing on advanced nuclear technologies and make them available for use in industry by 2030. As Mr Miliband said, "New technologies such as advanced modular reactors can help decarbonise heavy industry such as aviation fuel, hydrogen or advanced steel production, by providing low-carbon heat and power. They are also smaller and can be made in factories, making them quicker and cheaper to build." I cannot help but wonder why Australia was initially included and then subsequently later that day scrubbed from the announcement.

In fact, it is such a no-brainer that we would sign on and be a part of it that that original press release was published online and those countries that put it together and signed off on it would not have thought twice why any country listed would then say, "We do not actually want to be part of this." Could it be that participation in this pact by a mature nuclear science and technology nation such as Australia is such a self-evident certainty to one of our closest historical allies that they certainly could not comprehend that we would turn it down and ask to be taken out of it?

I remember the inquiry that this House held into uranium mining and nuclear facilities that I chaired in 2019. Professor Lyndon Edwards, who was national director of Australian Generation IV International Forum Research at Australian Nuclear Science and Technology Organisation [ANSTO], noted that Australia possesses scientific, technical, geological and engineering competencies. He said:

... if you are looking for evidence of this then I would look to the Generation IV International Forum itself. In order to be accepted, we had to be accepted unanimously by all the present members. We are the only member of the Generation IV International Forum that does not actually utilise nuclear power ...

Everybody was clear that Australia could make a significant contribution. I think part of that was our general scientific, technical, geological and engineering competence in Australia ...

Another comment was from Dane Eckermann from Bright New World, who said of the international view of Australia's nuclear knowledge:

... they look at us and they see us with a radiation regulator that is already here, a nuclear science and technology organisation that is well regarded, we have a highly skilled workforce here, we have experience with large civil projects ...

Notwithstanding our current State and Federal bans on nuclear power and, currently, a Federal Government that refuses to invest in it or even talk about it—let alone research it—Australia should have been part of the agreement. It is obvious that uranium mined in Australia, including—fingers crossed—in New South Wales, along with South Australia, will be used one day to power gen IV reactors around the world, which is what the agreement was about.

It was a finding of the inquiry that we held in 2019 that Australia's engineers, physicists and other scientists are highly esteemed and serious players on the international nuclear science and technology scene. The presence of those individuals who work in New South Wales forms an important part of our research and engineering community and provides New South Wales with a competitive advantage by following closely any international developments in nuclear energy technology. In particular the nuclear research cluster at ANSTO is very valuable. However, we must play an even greater role in the nuclear fuel cycle. Not doing so is a real national security risk into the future.

## AMAZON RETAIL WORKERS

**The Hon. EMILY SUVAAL (22:24):** This evening, Black Friday sales loom large at retailers right across the country. Early sales have started now, and retailers are promoting the US-imported sales to consumers. Next week, on 29 November, Black Friday will signify the beginning of an often incredibly stressful period for retail workers, being just ahead of the peak holiday period and Boxing Day sales. At this time when consumer spending is at its highest, retail workers are most at risk of facing abuse in the workplace. This abuse is at the hands not only of customers but also of employers, who place higher and higher expectations on their workers every year. At no company is this more prevalent than at Amazon.

Another United States import, Amazon has been the face of anti-worker practices since its launch in Australia in 2017. Underpaying and overworking its staff, dodgy labour hire practices and union-busting actions are just a handful of the ways in which Amazon impedes workers' rights that have been hard fought for and won by our mighty trade union movement. At the centre of that fight is, of course, the incredible Shop, Distributive and Allied Employees Association, the SDA, which has fought hard for our retail and hospitality workers, particularly in the face of hostile companies, like Amazon, who have resisted its entry. I take this opportunity to commend the New South Wales and the Newcastle and northern branches of the SDA and their secretaries, Bernie Smith and David Bliss, respectively, for their tireless work in protecting the rights of our retail and hospitality workers. We cannot allow multinational corporations like Amazon to import US-style work practices to our shores for the sole purpose of filling the pockets of multi-billionaires like Jeff Bezos.

I will talk a bit about a young worker named Rachel. Rachel worked at the Amazon distribution centre in Moorebank and, with the support of the SDA, took Federal Court action against Amazon for pregnancy discrimination after an offer of a permanent role was withdrawn by Amazon upon learning that Rachel was pregnant. Amazon recently settled the matter by way of financial settlement. Rachel was employed as a packer through Adecco, a labour hire company contracted to provide workers to Amazon. Every Sunday, Rachel and her colleagues would get a message through an app notifying them of their shifts for the week. Rachel said:

We were never certain of the work. Our shifts could be cancelled at short notice. Workers have no job security. There is a culture of fear that you could lose your job at any time. You have no rights.

This is the toxic culture of multinationals like Amazon, which preys on vulnerable young workers like Rachel, good workers like Rachel. It is a culture that is particularly disgusting to see in the middle of a cost-of-living crisis. After just over six months at Amazon, due to her great picking rate, Rachel was offered a full-time role. But, after Rachel mentioned her pregnancy, she was asked to provide medical certificates and later was informed that the offer of the permanent role had been rescinded on the basis that she had not met her key performance indicators and had not shown up for work on two occasions, accusations that were simply not true and found to be completely false. Fortunately for Rachel, after almost two years and with the help of the SDA, she was able to reach an outcome and financial settlement. Rachel has said:

Without the union, I would not have been able to get the result that I did. I am very happy with the outcome.

But it deeply concerns me to see this shocking treatment of workers happen right here in Australia, at the hands of Amazon. Australia values its strong industrial relations framework. It is a pillar of our society we should all be proud of, and it is all thanks to the strength of our trade union movement. As we approach Black Friday and the busy holiday season, it is a timely reminder that our workers' rights need to be protected. No-one deserves a serve.

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** The question is that this House do now adjourn.

**Motion agreed to.**

**The House adjourned at 22:29 until Thursday 21 November 2024 at 10:00.**