

## LEGISLATIVE COUNCIL

**Tuesday 11 February 2025**

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

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

### *Announcements*

#### **BICENTENARY OF THE LEGISLATIVE COUNCIL**

**The PRESIDENT (12:31):** I report the receipt of the following communication from Mr Nathan Ross, Assistant Private Secretary to His Majesty King Charles III:

#### **BUCKINGHAM PALACE**

From: The Office of the King  
22nd January, 2025

Dear President Franklin,

Thank you for your letter to the King following His Majesty's visit to the Parliament of New South Wales. The King was deeply touched by your letter and asked that I reply on his behalf.

It was very kind of you to take the time to write and update His Majesty as you did. The King has a profound love of Australia and its people and was pleased to be able to mark the Bicentenary of the Legislative Council. Your photographs of the timer in use and generous account of the warmth with which the gift was received were, therefore, gratefully received by His Majesty. The King shares your hope that the hourglass will serve as a lasting reminder of the treasured bond between him and the Australian people.

This letter comes with His Majesty's warmest best wishes to you and all members of the Legislative Council.

Yours sincerely

Nathan Ross  
Assistant Private Secretary

The Hon. Benjamin Franklin, M.L.C.

*Bills*

**FINES AMENDMENT (PARKING FINES) BILL 2024**  
**WATER LEGISLATION AMENDMENT BILL 2024**  
**JUSTICE LEGISLATION AMENDMENT (CHILDREN) BILL 2024**  
**STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (NO 2) 2024**  
**ENERGY AMENDMENT (LONG DURATION STORAGE AND INVESTMENT) BILL 2024**  
**PORTABLE LONG SERVICE LEAVE LEGISLATION AMENDMENT BILL 2024**  
**PREVENTION OF CRUELTY TO ANIMALS AMENDMENT (PUPPY FARMING) BILL 2024**  
**ROYAL BOTANIC GARDENS AND DOMAIN TRUST AMENDMENT BILL 2024**  
**PUBLIC HEALTH (TOBACCO) AMENDMENT BILL (NO 2) 2024**  
**STATE INSURANCE AND CARE GOVERNANCE AMENDMENT (GOVERNANCE ARRANGEMENTS) BILL 2024**  
**WITNESS PROTECTION AMENDMENT BILL 2024**  
**REVENUE LEGISLATION FURTHER AMENDMENT BILL 2024**  
**ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (STATE SIGNIFICANT DEVELOPMENT) BILL 2024**  
**VICTIMS RIGHTS AND SUPPORT AMENDMENT (VICTIMS SUPPORT COUNSELLING) BILL 2024**  
**CRIMES AMENDMENT (OBSTRUCTING A RAILWAY) BILL 2024**  
**PUBLIC HEALTH (TOBACCO) AMENDMENT BILL 2024**  
**TRANSPORT ADMINISTRATION AMENDMENT (NSW MOTORWAYS) BILL 2024**  
**BIODIVERSITY CONSERVATION AMENDMENT (BIODIVERSITY OFFSETS SCHEME) BILL 2024**

**Assent**

**The PRESIDENT:** I report receipt of messages from the Governor notifying Her Excellency's assent to the bills.

*Members***LEGISLATIVE COUNCIL VACANCY**

**The PRESIDENT:** I report receipt of a communication from the Official Secretary to Her Excellency the Governor following the resignation of the Hon. Sam Faraway. I have acknowledged the Official Secretary to Her Excellency's communication and the resignation has been entered in the Register of Members of the Legislative Council.

**LEGISLATIVE COUNCIL VACANCY**

**The PRESIDENT:** I report receipt of a message from Her Excellency the Governor convening a joint sitting of the members of the Legislative Council and the Legislative Assembly for the purpose of the election of a person to fill the seat in the Legislative Council vacated by the Hon. Sam Faraway. I announce that members shall assemble for such purpose on Thursday 13 February 2025 at 2.00 p.m.

*Bills***PUBLIC HEALTH (TOBACCO) AMENDMENT BILL 2024****Messages**

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

**BIODIVERSITY CONSERVATION AMENDMENT (BIODIVERSITY OFFSETS SCHEME) BILL  
2024****Returned**

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

**TRANSPORT ADMINISTRATION AMENDMENT (NSW MOTORWAYS) BILL 2024****Returned**

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

*Announcements***CLERK OF THE PARLIAMENTS RETIREMENT**

**The PRESIDENT (12:34):** Earlier today I received from the Clerk, and have reluctantly accepted, notice of the Clerk's intention to retire, with his last day of duty being Friday 28 March. David's retirement will mark the conclusion of an extraordinary career dedicated to the service of parliamentary democracy in New South Wales. As steadfast guardian of the Legislative Council and a pillar of wisdom, David has been an unwavering source of guidance through some of the most complex and challenging periods in the Council's history.

Having commenced his parliamentary career in 1990, David's journey has been one of remarkable dedication and achievement. Appointed Clerk of the Parliaments and Clerk of the Legislative Council in 2011, he has provided independent and authoritative advice with an intellect and integrity that have earned him the highest respect from all who have had the privilege of working alongside him. His expertise in parliamentary law, procedure and practice has been instrumental in upholding the strength and stability of our institution.

David is admired for not only his profound knowledge and skill but also his warmth, generosity and deep commitment to the values of democracy. He has set a standard of professionalism, expertise and service that will resonate long beyond his tenure. On a personal note, it has been a profound honour to work so closely with David since becoming President—especially during our bicentenary celebrations. His wisdom, kindness and steady leadership have been a source of guidance and inspiration, and I will always be grateful for his generosity of spirit. He is a true gentleman with a cheeky sense of quick-witted humour. I will very much miss our discussions and mutual appreciation of Twinings Earl Grey tea. David, the Council will not be the same without you, but your influence in the hallways of our Parliament will endure for many generations to come.

I can advise that a competitive merit selection process will take place shortly to identify the new Clerk. I anticipate being able to inform the House of the outcome of that process during the week commencing Monday 17 March. I would ask honourable members to mark the evening of Friday 28 March in their diaries for a formal occasion to celebrate David's remarkable career. David will be greatly missed by all, but his legacy will endure in the strength of the Council that he has so faithfully served. We will have much more to say at your farewell in March, David, but today we extend our deepest gratitude and very best wishes to you and Lynne for the future. Thank you, David.

**CALIFORNIA WILDFIRES**

**The PRESIDENT (12:37):** I inform members that I have written to Senator Mike McGuire, President Pro Tempore of the state Senate of California, to express our deepest condolences following the devastating fires in the Los Angeles area. The loss of life and homes, and the disruption to communities, has been truly tragic, and our thoughts are with all those who have been affected. As a sister state to New South Wales, we stand in solidarity with the people of California during this difficult time, and our thoughts remain with all those working in response to this crisis and supporting those in need.

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

**DEATH OF MR ROBERT TAPI, CLERK OF THE BOUGAINVILLE HOUSE OF  
REPRESENTATIVES**

**The PRESIDENT (12:37):** I regret to inform members of the passing of Mr Robert Tapi, the Clerk of one of our twinned parliaments, the Bougainville House of Representatives, on Sunday 22 December 2024. Over his long and distinguished career, Mr Tapi worked tirelessly for the people of Bougainville, including as the Clerk before, during and after Bougainville's historic 2019 referendum on independence. Mr Tapi was a strong advocate for the twinning relationship between our jurisdictions, and both of our legislatures have gained from this partnership. Notwithstanding Mr Tapi's passing, we look forward to continuing our close working relationship

with the members and staff of the House of Representatives. Together with the Speaker, I have conveyed our condolences to the Hon. Simon Pentanu, the Speaker of the Bougainville House of Representatives. I invite members to stand as a mark of respect.

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

*Documents*

**PARLIAMENTARY ETHICS ADVISER**

**Reports**

**The PRESIDENT:** According to the resolution of continuing effect regarding the Parliamentary Ethics Adviser, I table the annual report of the Parliamentary Ethics Adviser for the year ended 30 June 2024.

**INSPECTOR OF CUSTODIAL SERVICES**

**Reports**

**The PRESIDENT:** According to the Inspector of Custodial Services Act 2012, I table the following reports of the Inspector of Custodial Services:

- (1) Report entitled *Inspection of Kirkconnell Correctional Centre*, dated November 2023, received out of session and made public on 26 November 2024.
- (2) Report entitled *Inspection of Geoffrey Pearce Correctional Centre*, dated 2022, received out of session and made public on 5 December 2024.
- (3) Report entitled *Inspection of Junee Correctional Centre 2023*, dated December 2024, received out of session and made public on 11 December 2024.
- (4) Report entitled *Inspection of Broken Hill and Tamworth Correctional Centres*, dated December 2024, received out of session and made public on 18 December 2024.
- (5) Report entitled *Inspection of Mid North Coast Correctional Centre 2023*, dated December 2024, received out of session and made public on 18 December 2024.

**MINISTER FOR HEALTH**

**Reports**

**The PRESIDENT:** According to the Abortion Law Reform Act 2019, I table a report of the Minister for Health entitled *Report on the Statutory Review of the Abortion Law Reform Act 2019*, dated September 2024, received out of session on 2 December 2024 and made public on tabling this day.

**INDEPENDENT COMMISSION AGAINST CORRUPTION**

**Reports**

**The PRESIDENT:** According to the Independent Commission Against Corruption Act 1988, I table a report of the Independent Commission Against Corruption entitled *Investigation into the conduct of a then manager and a former contractor at Canterbury-Bankstown Council (Operation Mantis)*, dated December 2024, received out of session and made public on 5 December 2024.

**LAW ENFORCEMENT CONDUCT COMMISSION**

**Reports**

**The PRESIDENT:** According to the Law Enforcement Conduct Commission Act 2016, I table a report of the Law Enforcement Conduct Commission entitled *Review of the NSW Police Force's use of Advice and Guidance as a form of management action*, dated December 2024, received out of session and made public on 11 December 2024.

**NSW OMBUDSMAN**

**Reports**

**The PRESIDENT:** I table the following reports of the Ombudsman:

- (1) Ombudsman Act 1974—
  - (a) Special Report of the Ombudsman entitled *OCHRE 2024: Current status and future direction*, dated 28 January 2025, together with a Community Guide, received out of session and made public on 28 January 2025
  - (b) Special Report of the Ombudsman entitled *Casebook January 2025: Investigations and complaint-handling case studies*, dated 30 January 2025, received out of session and made public on 30 January 2025.

- (2) Ombudsman Act 1974 and Public Interest Disclosures Act 2022—Report of the Ombudsman entitled *Oversight of the Public Interest Disclosures Act 2022: Annual Report 2023-24*, dated 11 December 2024, received out of session and made public on 11 December 2024.
- (3) Mandatory Disease Testing Act 2021—Report of the Ombudsman entitled *Mandatory disease testing in NSW: monitoring the operation and administration of the Mandatory Disease Testing Act 2021: A report under s36 of the Mandatory Disease Testing Act 2021*, dated 5 February 2025.

## INSPECTOR OF THE LAW ENFORCEMENT CONDUCT COMMISSION

### Reports

**The PRESIDENT:** According to the Law Enforcement (Controlled Operations) Act 1997, I table a report of the Office of the Inspector of the Law Enforcement Conduct Commission entitled *Controlled Operations Annual Report for the period ending 30 June 2024: Section 23 Law Enforcement (Controlled Operations) Act 1997*, dated December 2024, received out of session and made public on 18 December 2024.

### Motions

## MACHU PICCHU AND THE GOLDEN EMPIRES OF PERU EXHIBITION

**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) (12:40):** I move:

- (1) That this House notes that:
  - (a) on Saturday 23 November 2024, the Machu Picchu and the Golden Empires of Peru exhibition will open to the public at the Australian Museum; and
  - (b) the exhibition features 134 priceless treasures including exquisite ceramics, gold, silver and gilded copper that reveal the everyday and sacred lives of six prominent cultures covering the most recent 3,000 years of civilisations, supported by additional programming including Peruvian Nights at the Museum and immersive virtual reality experiences.
- (2) That this House commends the Australian Museum for securing and presenting an exhibition which will generate significant economic benefits for New South Wales, draw significant attendance, contribute to Sydney's 24-hour economy and help cement New South Wales as the premier cultural destination in Asia-Pacific.

**Motion agreed to.**

## MEALS ON WHEELS SOUTHERN HIGHLANDS

**The Hon. NATASHA MACLAREN-JONES (12:41):** I move:

- (1) That this House acknowledges the volunteers from Southern Highlands Meals on Wheels, who provide assistance across the Southern Highlands from Mittagong to Moss Vale, Sutton Forrest to Burrawang, Penrose to Hill Top and all the towns in between.
- (2) That this House notes volunteers are vital to many organisations and at Southern Highlands Meals on Wheels they assist with the delivery of meals across the region, and in addition to delivering meals they also assist with preparing meals, and providing social interaction and wellbeing monitoring to their clients.

**Motion agreed to.**

## OZHARVEST SOUTHERN HIGHLANDS

**The Hon. NATASHA MACLAREN-JONES (12:42):** I move:

- (1) That this House notes that OzHarvest Southern Highlands is a food rescue organisation which aims to save surplus food from ending up in landfills and deliver it to charities that help feed people in need.
- (2) That this House acknowledges that OzHarvest Southern Highlands Chapter:
  - (a) delivers around 2,500 meals a week to people doing it tough in the region;
  - (b) supports 12 charities, works with 13 food donors and has delivered approximately 240,000 meals altogether; and
  - (c) is completely run by a small team of volunteers who work hard to support the Southern Highlands community by collecting surplus food and driving it to a number of local charity organisations such as Wingecarribee Family Support Service and Bowral Youth Refuge to help local people in need.
- (3) That this House commends OzHarvest Southern Highlands for the critical work they do in reducing food waste and providing food relief to individuals.

**Motion agreed to.**

## WORKPLACE SEXUAL HARASSMENT

**Ms ABIGAIL BOYD (12:42):** I move:

- (1) That this House notes with concern that according to new research by Unions NSW in the report entitled *Disrespected, disregarded and discarded: Workplace exploitation, sexual harassment and the experience of migrant women living in Australia on temporary visas* published in November 2024:
  - (a) one in two migrant women on temporary visas experience sexual harassment at work;
  - (b) many of these women are working in industries with high levels of precarious employment where channels for reporting are in many instances non-existent or do not reflect the needs of migrant women;
  - (c) sexual harassment is even more common for those working in construction, hospitality, horticultural, retail and cleaning industries, with the highest rates in the construction industry, with four in five migrant women on temporary visas experiencing sexual harassment at work;
  - (d) three in four of those who experienced workplace sexual harassment did not report the incident, with over half indicating they were concerned that reporting could result in losing their job, and many being fearful of uncertainty regarding their immigration status and facing racial and gender workplace discrimination;
  - (e) migrant women on temporary visas believe their employers are not doing enough to protect them from sexual harassment, with a significant number quitting their job because they felt in danger, and those who did report misconduct experienced repercussions such as a reduction in shifts, being underpaid, bullying and being fired; and
  - (f) to effectively ensure temporary migrant women are safe at work, sexual harassment cannot be addressed in isolation and other issues should be addressed in conjunction.
- (2) That this House further notes the following recommendations by Unions NSW in the report which are directed at State or Federal Governments:
  - (a) that migrant worker centres be established in each State;
  - (b) that culturally appropriate education and training on sexual harassment prevention be developed in each State in collaboration with unions, migrant worker centres, migrant worker community groups and leaders;
  - (c) that a legal framework be implemented at a national level to effectively protect migrant women from sexual harassment;
  - (d) that employers, government agencies, regulators, community legal centres and other support services implement multilingual sexual harassment reporting channels;
  - (e) that initiatives such as bridging programs and streamlined skills recognition be developed to assist migrant women in aligning their qualifications with local standards to improve access to employment opportunities;
  - (f) that temporary migrant women be provided with visa protections to ensure they can report sexual harassment without fear of visa cancellation or other negative impacts to their immigration status; and
  - (g) that government agencies introduce reforms to ensure that migrant workers have access to existing legal avenues for addressing sexual harassment.
- (3) That this House affirms that all people deserve to be safe and free from harassment at their place of work.
- (4) That this House calls on the Government to take targeted action to address the concerning high rates of workplace sexual harassment experienced by migrant women on temporary visas, by working with Unions NSW, migrant women and other levels of government.

**Motion agreed to.**

**INTERNATIONAL DAY OF PERSONS WITH DISABILITY**

**Ms ABIGAIL BOYD (12:42):** I move:

- (1) That this House notes that:
  - (a) Tuesday 3 December 2024 is the International Day of Persons with Disability [IDPD], and the theme in 2024 is "Amplifying the leadership of persons with disabilities for an inclusive and sustainable future";
  - (b) each year, in addition to empowering disability pride, IDPD stands as a strong call to action for all governments, decision-makers and individuals across society to take action to dismantle ableism and create inclusive and accessible systems, policies, practices and environments;
  - (c) for many in the disability community, the Disability Royal Commission and its final recommendations represented a pivotal turning point in the fight for a genuinely inclusive and accessible society, and it is crucial that all levels of government use this opportunity to take bold action in implementing the necessary change alongside people with disability and their families and representatives; and
  - (d) the 2024 IDPD theme calls for greater action to remove the barriers preventing people with disability from being in leadership roles and decision-making spaces, and recognises the importance of people with disability being empowered and involved in decision-making processes that affect their lives.
- (2) That this House celebrates the diversity of the disability community in New South Wales, which includes over 1.3 million people, and affirms the importance of disability-led solutions to create a society rooted in inclusion.
- (3) That this House calls on all levels of government to work with the disability community and their families and representatives to drive bold action to improve the lives of people with disability and pave the way for a truly inclusive, accessible and sustainable future for all.

**Motion agreed to.****STEM MAD NATIONAL SHOWCASE**

**The Hon. SCOTT BARRETT (12:43):** I move:

- (1) That this House notes that:
  - (a) on Tuesday 19 November 2024 students from St Joseph's Catholic School in Eugowra and the Catholic Diocese of Bathurst travelled to the Science, Technology, Engineering and Mathematics [STEM] Make a Difference [MAD] National Showcase in Brisbane;
  - (b) the program encourages students to apply the STEM learnings to MAD in the world;
  - (c) the students presented a flood warning system they developed as a school, to detect the height of the Mandagery Creek upstream and alert the town; and
  - (d) the students won the major award for the competition out of 110 schools from across Australia.
- (2) That this House congratulates:
  - (a) all the students from the school who helped develop the flood warning system and prototype;
  - (b) Olivia, Belle, Sam and Zac, who travelled to Brisbane to present the design to the conference;
  - (c) all the teachers who helped guide the students through the project and helped the students achieve this result; and
  - (d) Catholic education consultant Jen Medham for being the driving force behind the project.
- (3) That this House acknowledges that:
  - (a) this achievement follows the November 2022 floods where the children and staff lost the entire school, and everything in it; and
  - (b) the students and staff have shown incredible fortitude to rebuild their school and community since the devastation.

**Motion agreed to.***Documents***TABLING OF PAPERS**

**The Hon. PENNY SHARPE:** I table the following papers:

- (1) Greater Sydney Parklands Trust Act 2022—Report of Greater Sydney Parklands Trust entitled *Assessment of suitability of certain parks becoming part of the Greater Sydney Parklands Estate: A report under Schedule 3 Clause 5 (2) of the Greater Sydney Parklands Trust Act 2022*.
- (2) Law Enforcement and National Security (Assumed Identities) Act 2010—Assumed Identities Report of Australian Security Intelligence Organisation for year ended 30 June 2024.
- (3) Work Health and Safety Act 2011—Report of SafeWork NSW entitled *NSW Dust Disease Register Annual Report 2023-24*.

**INDEPENDENT COMPLAINTS OFFICER****Reports**

**The Hon. STEPHEN LAWRENCE:** According to the resolution of continuing effect regarding the Independent Complaints Officer, I table the report of the Independent Complaints Officer of the New South Wales Parliament to the Legislative Council Privileges Committee and Legislative Assembly Parliamentary Privilege and Ethics Committee for the period 1 September 2024 to 30 November 2024.

**LEGISLATION REVIEW COMMITTEE****Reports**

**The Hon. CAMERON MURPHY:** I table the report of the Legislation Review Committee entitled *Legislation Review Digest No. 24/58*, dated 11 February 2025.

*Committees***SELECTION OF BILLS COMMITTEE****Reports**

**The Hon. BOB NANVA:** I table report No. 28 of the Selection of Bills Committee, dated 11 February 2025. According to standing order, I move:

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

- (a) Automated External Defibrillators (Public Access) Bill 2024 (No 3);

- (b) Automatic Mutual Recognition Legislation Amendment Bill 2024;
- (c) Crimes (Administration of Sentences) Amendment Bill 2024;
- (d) Crimes Amendment (Animal Sexual Abuse) Bill 2024;
- (e) Energy Amendment (Pipelines and Gas Safety) Bill 2024;
- (f) Health Services Amendment (Hospital Helipads) Bill 2024;
- (g) Mental Health Legislation Amendment Bill 2024;
- (h) Protection of the Environment Legislation Amendment (FOGO Recycling) Bill 2024; and
- (i) Strata Schemes Legislation Amendment Bill 2024.

**Motion agreed to.**

*Documents*

**AUDITOR-GENERAL**

**Reports**

**The CLERK:** According to the Public Finance and Audit Act 1983, I announce receipt of the following reports of the Auditor-General:

- (1) Special Report of the Auditor-General entitled *Members' additional entitlements 2024*, dated 12 December 2024, received out of session and published on 12 December 2024.
- (2) Financial Audit Report of the Auditor-General entitled *State agencies 2024*, dated 13 December 2024, received out of session and published on 13 December 2024.
- (3) Financial Audit Report of the Auditor-General entitled *State finances 2024*, dated 18 December 2024, received out of session and published on 18 December 2024.
- (4) Performance Audit Report of the Auditor-General entitled *Bus contracts in metropolitan Sydney*, dated 29 January 2025, received out of session and published on 29 January 2025.

*Committees*

**PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT**

**Reports**

**The CLERK:** According to standing order, I announce receipt of an erratum to report No. 23 of Portfolio Committee No. 7 - Planning and Environment entitled *Development of the Transport Oriented Development Program*, dated 10 December 2024, received out of session and published on 10 December 2024.

*Visitors*

**VISITORS**

**The PRESIDENT:** I welcome to the Chamber Hannah Hurworth, who will be interning in the Hon. Susan Carter's office this week. She is very welcome here today.

*Committees*

**COMMITTEE ON CHILDREN AND YOUNG PEOPLE**

**Reports**

**The CLERK:** According to standing order, I announce receipt of report No. 1/58 of the Committee on Children and Young People entitled *2024 review of the annual reports and other matters of the Office of the Advocate for Children and Young People and the Office of the Children's Guardian*, dated November 2024, received out of session and published on 28 November 2024.

**The Hon. EMILY SUVAAL (12:48):** I move:

That the House take note of the report.

**Debate adjourned.**



**JOINT SELECT COMMITTEE ON THE NSW RECONSTRUCTION AUTHORITY****Reports**

**The CLERK:** According to standing order, I announce receipt of report No. 1/58 of the Joint Select Committee on the NSW Reconstruction Authority entitled *Review of the NSW Reconstruction Authority Act 2022*, dated November 2024, received out of session and published on 28 November 2024.

**The Hon. STEPHEN LAWRENCE (12:49):** I move:

That the House take note of the report.

**Debate adjourned.**

*Visitors***VISITORS**

**The PRESIDENT:** I welcome to the Chamber Ms Cassandra Bell, who is interning in the office of the Deputy President on an internship with the Lachlan Macquarie Institute.

*Committees***STANDING COMMITTEE ON STATE DEVELOPMENT****Reports**

**The CLERK:** According to standing order, I announce receipt of report No. 52 of the Standing Committee on State Development entitled *Ability of local governments to fund infrastructure and services*, dated November 2024, together with transcripts of evidence, tabled documents, submissions, correspondence, and answers to questions taken on notice and supplementary questions, received out of session and published on 29 November 2024.

**PORTFOLIO COMMITTEE NO. 4 - REGIONAL NSW****Reports**

**The CLERK:** According to standing order, I announce receipt of report No. 59 of Portfolio Committee No. 4 - Regional NSW entitled *2023 Inquiry into the operation of the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979*, dated November 2024, together with transcripts of evidence, tabled documents, submissions, correspondence, responses and summary report to an online questionnaire, and answers to questions taken on notice and supplementary questions, received out of session and published on 29 November 2024.

**The Hon. MARK BANASIAK (12:50):** I move:

That the House take note of the report.

**Debate adjourned.**

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

**The CLERK:** According to standing order, I announce receipt of report No. 2 of the Select Committee on the Proposal to Develop Rosehill Racecourse entitled *Proposal to develop Rosehill Racecourse*, dated December 2024, together with transcripts of evidence, tabled documents, submissions, correspondence, and answers to questions taken on notice and supplementary questions, received out of session and published on 6 December 2024.

**The Hon. SCOTT FARLOW (12:51):** I move:

That the House take note of the report.

**Debate adjourned.**

**JOINT SELECT COMMITTEE ON ARTS AND MUSIC EDUCATION AND TRAINING IN NEW SOUTH WALES****Reports**

**The CLERK:** According to standing order, I announce receipt of report No. 1 of the Joint Select Committee on Arts and Music Education and Training in New South Wales entitled *Arts and music education and training in New South Wales*, dated December 2024, together with transcripts of evidence, tabled documents,

submissions, correspondence, responses and summary report to the online questionnaire, and answers to questions taken on notice, received out of session and published on 12 December 2024.

**The Hon. ANTHONY D'ADAM (12:52):** I move:

That the House take note of the report.

**Debate adjourned.**

## COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION

### Reports

**The CLERK:** According to standing order, I announce receipt of report No. 1/58 of the Committee on the Health Care Complaints Commission entitled *Review of the Health Care Complaints Commission's 2021-22 and 2022-23 annual reports*, dated December 2024, received out of session and published on 16 December 2024.

**Dr AMANDA COHN (12:52):** I move:

That the House take note of the report.

**Debate adjourned.**

## MODERN SLAVERY COMMITTEE

### Reports

**The CLERK:** According to standing order, I announce receipt of report No. 3 of the Modern Slavery Committee entitled *Review of the Modern Slavery Act 2018 - Part 2*, dated December 2024, together with transcripts of evidence, submissions, tabled documents, correspondence, and answers to questions taken on notice, received out of session and published on 20 December 2024.

**The Hon. Dr SARAH KAINE (12:53):** I move:

That the House take note of the report.

**Debate adjourned.**

## REGULATION COMMITTEE

### Reports

**The CLERK:** According to standing order, I announce receipt of report No. 10 of the Regulation Committee entitled *Evaluation of the Regulation Committee's technical scrutiny function*, dated February 2025, received out of session and published on 10 February 2025.

**The Hon. NATASHA MACLAREN-JONES (12:54):** I move:

That the House take note of the report.

I am pleased to make a short contribution regarding the Regulation Committee's report entitled *Evaluation of the Regulation Committee's technical scrutiny function*. Following a recommendation of the committee's 2022 report entitled *Options for reform of the management of delegated legislation in New South Wales*, the Legislative Council resolved in late 2023 to expand the Regulation Committee's functions. That expansion required the committee to inquire into and report on instruments of a legislative nature that are subject to disallowance against the scrutiny grounds set out in section 9 (1) (b) of the Legislation Review Act 1987 on a 12-month trial basis from the first sitting day of 2024.

The report evaluates the committee's exercise of its technical scrutiny function over the 12-month trial, as required by resolution of the House on 19 October 2023. In the report, the committee found that the 12-month trial has proven the advantages of having an upper House committee dedicated to the review and scrutiny of delegated legislation alone. Throughout 2024 the committee has provided an additional level of oversight to the delegation of legislative power in New South Wales, reviewing all instruments of a legislative nature that are subject to disallowance and drawing to the attention of the Parliament instruments that engaged the scrutiny grounds in the Legislation Review Act 1987.

The committee's interactions with responsible Ministers and bodies, undertakings made and subsequent amendments to both primary and subordinate legislation evidence the committee's capacity to effect positive change and to play an educative role on best practice in the making of delegated legislation in New South Wales. Following the undoubted success of the trial, the committee has recommended that the Legislative Council amend the resolution establishing the Regulation Committee to permanently expand the committee to include the technical review of delegated legislation against the scrutiny principles set out in section 9 (1) (b) of the

Legislation Review Act 1987. The committee also recommended that if the House resolves to amend the establishing resolution, it should continue to be supported by a dedicated secretariat and a part-time independent legal adviser in order for the committee to effectively discharge its function in scrutinising delegated legislation.

The committee extends its thanks to the stakeholders who provided thoughtful and valuable submissions regarding the operation of the committee's technical scrutiny function, namely Mr David Blunt, AM, Clerk of the Parliaments and Clerk of the Legislative Council; Dr Ellen Rock, independent legal adviser to the Regulation Committee and associate professor at the Faculty of Law and Justice of the University of New South Wales; Ms Annette O'Callaghan from the Office of Parliamentary Counsel; and the Cabinet Office. The committee also extends its thanks to the Hon. Penny Sharpe, the Leader of the Government in the Legislative Council, and her office for facilitating a productive working relationship between the committee and the Executive over the 12-month trial period. I also thank the Deputy Chair, Ms Abigail Boyd, and fellow committee members for their dedicated work and commitment to the delivery of a successful technical scrutiny function, which would have not been possible without the professional support of the committee secretariat.

**Debate adjourned.**

### **PORTFOLIO COMMITTEE NO. 3 - EDUCATION**

#### **Government Response**

**The CLERK:** According to standing order, I announce receipt of the Government response to report No. 52 of Portfolio Committee No. 3 - Education entitled *Children and young people with disability in New South Wales educational settings*, tabled on 22 August 2024, received out of session and published on 25 November 2024.

**Ms ABIGAIL BOYD (12:58):** I move:

That the House take note of the Government response.

**Debate adjourned.**

### **PRIVILEGES COMMITTEE**

#### **Government Response**

**The CLERK:** According to standing order, I announce receipt of the Government response to report No. 96 of the Privileges Committee entitled *Draft Constitution (Disclosures by Members) Regulation 2024*, tabled on 2 September 2024, received out of session and published on 2 December 2024.

### **STANDING COMMITTEE ON SOCIAL ISSUES**

#### **Government Response**

**The CLERK:** According to standing order, I announce receipt of the Government response to report No. 64 of the Standing Committee on Social Issues entitled *Procurement practices of government agencies in New South Wales and its impact on the social development of the people of New South Wales: Final report*, tabled on 11 October 2024, received out of session and published on 20 December 2024.

### **PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT**

#### **Government Response**

**The CLERK:** According to standing order, I announce receipt of the Government response to report No. 23 of Portfolio Committee No. 7 - Planning and Environment entitled *Development of the Transport Oriented Development Program*, tabled 15 October 2024, received out of session and published on 15 January 2025.

**Ms SUE HIGGINSON (13:00):** I move:

That the House take note of the Government response.

**Debate adjourned.**

### **PORTFOLIO COMMITTEE NO. 1 - PREMIER AND FINANCE**

#### **Government Response**

**The CLERK:** According to standing order, I announce receipt of the Government response to report No. 2 of Portfolio Committee No. 8 - Customer Service entitled *Pounds in New South Wales*, tabled 18 October 2024, received out of session and published on 16 January 2025.

**PORTFOLIO COMMITTEE NO. 1 - PREMIER AND FINANCE****Government Response**

**The CLERK:** According to standing order, I announce receipt of Government response to report No. 65 of Portfolio Committee No. 1 - Premier and Finance entitled *Impact of the regulatory framework for cannabis in New South Wales: First report*, tabled 31 October 2024, received out of session and published on 11 February 2025, together with correspondence received on 31 January 2025.

*Petitions***RESPONSES TO PETITIONS**

**The CLERK:** According to standing order, I announce receipt of the following response to an ePetition signed by more than 500 persons:

- (1) Response from the Hon. Penny Sharpe, MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment and Minister for Heritage, to an ePetition presented by the Hon. John Ruddick on 22 October 2024 concerning New South Wales National Parks, received out of session and published on 25 November 2024.

*Documents***LAND AND WATER CONTAMINATION****Return to Order**

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

- (a) a return received on Wednesday 27 November 2024 from the Cabinet Office, together with an indexed list of documents;
- (b) a return received on Wednesday 27 November 2024 from the Cabinet Office of documents subject to a claim of privilege;
- (c) a return received on Wednesday 27 November 2024 from the Cabinet Office of documents subject to a claim of personal information;
- (d) a return received on Friday 13 December 2024 from the Cabinet Office, together with an indexed list of documents;
- (e) a return received on Friday 13 December 2024 from the Cabinet Office of documents subject to a claim of privilege;
- (f) a return received on Friday 13 December 2024 from the Cabinet Office of documents subject to a claim of personal information;
- (g) a return received on Friday 7 February 2025 from the Cabinet Office, together with an indexed list of documents;
- (h) a return received on Friday 7 February 2025 from the Cabinet Office of documents subject to a claim of privilege; and
- (i) a return received on Friday 7 February 2025 from the Cabinet Office of documents subject to a claim of personal information.

**CREATIVE ARTS DRAFT SYLLABUS****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 20 November 2024, I table:

- (a) a return received on Wednesday 4 December 2024 from the Cabinet Office, together with an indexed list of documents;
- (b) a return received on Wednesday 4 December 2024 from the Cabinet Office of documents subject to a claim of privilege; and
- (c) a return received on Monday 3 February 2025 from the Cabinet Office, together with an indexed list of documents resolving a disputed claim of privilege on certain documents returned on Wednesday 4 December 2024.

**CUSTOMER SENTIMENT SURVEYS****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 13 November 2024, I table:

- (a) a return received on Wednesday 4 December 2024 from the Cabinet Office, together with an indexed list of documents;
- (b) a return received on Wednesday 4 December 2024 from the Cabinet Office of documents subject to a claim of privilege; and
- (c) a return received on Wednesday 4 December 2024 from the Cabinet Office of documents subject to a claim of personal information.

**EARLY CHILDHOOD EDUCATION AND CARE SECTOR****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 13 November 2024, I table:

- (a) a return received on Wednesday 11 December 2024 from the Cabinet Office, together with an indexed list of documents;

- (b) a return received on Wednesday 11 December 2024 from the Cabinet Office of documents subject to a claim of privilege;
- (c) a return received on Wednesday 11 December 2024 from the Cabinet Office of documents subject to a claim of personal information;
- (d) a return received on Thursday 12 December 2024 from the Office of the Children's Guardian providing a document;
- (e) a return received on Monday 16 December 2024 from the Office of the Children's Guardian providing a document;
- (f) a return received on Wednesday 18 December 2024 from the Cabinet Office, together with an indexed list of documents;
- (g) a return received on Wednesday 18 December 2024 from the Cabinet Office of documents subject to a claim of privilege; and
- (h) a return received on Tuesday 28 January 2025 from the Cabinet Office, providing a revised indexed list of documents.

## **GAMING REFORM**

### **Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 20 November 2024, I table:

- (a) a return received on Wednesday 11 December 2024 from the Cabinet Office, together with an indexed list of documents;
- (b) a return received on Wednesday 11 December 2024 from the Cabinet Office of documents subject to a claim of privilege; and
- (c) a return received on Wednesday 11 December 2024 from the Cabinet Office of documents subject to a claim of personal information.

## **RACING NSW**

### **Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 20 November 2024, I table a return received on Wednesday 11 December 2024 from Racing NSW, stating that Racing NSW is not subject to orders for the production of documents made by the House under Standing Order 52.

## **GOVERNMENT AGENCY MERCHANT FEES**

### **Return to Order**

**The CLERK:** According to the resolution of the House of Tuesday 12 November 2024, I table:

- (a) a return received on Thursday 12 December 2024 from the Cabinet Office, together with an indexed list of documents;
- (b) a return received on Thursday 12 December 2024 from the Cabinet Office of documents subject to a claim of privilege;
- (c) a return received on Thursday 12 December 2024 from the Cabinet Office of documents subject to a claim of personal information;
- (d) a return received on Tuesday 17 December 2024 from the Cabinet Office, together with an indexed list of documents;
- (e) a return received on Tuesday 17 December 2024 from the Cabinet Office of documents subject to a claim of privilege;
- (f) a return received on Tuesday 7 January 2025 from the Cabinet Office, together with an indexed list of documents;
- (g) a return received on Tuesday 7 January 2025 from the Cabinet Office of documents subject to a claim of privilege;
- (h) a return received on Tuesday 7 January 2025 from the Cabinet Office of documents subject to a claim of personal information;
- (i) a return received on Wednesday 22 January 2025 from the Cabinet Office, together with an indexed list of documents;
- (j) a return received on Wednesday 22 January 2025 from the Cabinet Office of documents subject to a claim of privilege; and
- (k) a return received on Wednesday 22 January 2025 from the Cabinet Office of documents subject to a claim of personal information.

## **DARREN STAPLETON**

### **Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 20 November 2024, I table:

- (a) a return received on Wednesday 18 December 2024 from the Cabinet Office, together with an indexed list of documents subject to a claim of privilege; and
- (b) a return received on Wednesday 18 December 2024 from the Cabinet Office subject to a claim of personal information.

**ROAD AND TRANSPORT REVIEWS****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 14 August 2024, I table:

- (a) a return received on Monday 16 December 2024 from the Cabinet Office, together with an indexed list of documents; and
- (b) a return received on Monday 16 December 2024 from the Cabinet Office of documents subject to a claim of privilege.

**CRYSTALLINE SILICA AIR MONITORING****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 20 November 2024, I table:

- (a) a return received on Wednesday 18 December 2024 from the Cabinet Office, together with an indexed list of documents;
- (b) a return received on Wednesday 18 December 2024 from the Cabinet Office of documents subject to a claim of privilege;
- (c) a return received on Wednesday 18 December 2024 from the Cabinet Office of documents subject to a claim of personal information; and
- (d) a return received on Tuesday 7 January 2025 from the Cabinet Office providing a revised indexed list of documents.

**LOCAL SMALL COMMITMENTS ALLOCATION****Return to Order**

**The CLERK:** According to the resolution of the House of Wednesday 20 November 2024, I table:

- (a) a return received on Friday 31 January 2025 from the Cabinet Office, together with an indexed list of documents;
- (b) a return received on Friday 31 January 2025 from the Cabinet Office of documents subject to a claim of privilege;
- (c) a return received on Friday 31 January 2025 from the Cabinet Office of documents subject to a claim of personal information;
- (d) a return received on Tuesday 11 February 2025 from the Cabinet Office, together with an indexed list of documents;
- (e) a return received on Tuesday 11 February 2025 from the Cabinet Office of documents subject to a claim of privilege; and
- (f) a return received on Tuesday 11 February 2025 from the Cabinet Office of documents subject to a claim of personal information.

**GAMING REFORM****Personal Information Redacted**

**The CLERK:** According to Standing Order 52, I inform the House that on Friday 13 December 2024, Ms Cate Faehrmann requested the production of redacted versions of certain documents returned on Wednesday 11 December 2024. The request was communicated to the Cabinet Office on Friday 13 December 2024.

I table a return received on Friday 20 December 2024 from the Cabinet Office, together with an indexed list of documents with personal information that should not be made public redacted as requested.

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

**The CLERK:** According to Standing Order 52, I inform the House that on Tuesday 28 January 2025 the Hon. Emma Hurst requested the production of redacted versions of certain documents returned on Wednesday 16 October 2024. The request was communicated to the Cabinet Office on 28 January 2025.

I table a return received on Monday 3 January 2025 from the Cabinet Office, together with an indexed list of documents with personal information that should not be made public redacted as requested.

**GAMING REFORM****Variation of Order**

**The PRESIDENT:** According to Standing Order 53, I table a request received on Thursday 21 November 2024 from the Cabinet Office to vary the scope of the order for papers, together with a response from Ms Cate Faehrmann not agreeing to the request.

According to standing order, as no agreement was reached, the original order stands with the original due date.

**GOVERNMENT AGENCY MERCHANT FEES****Variation of Order**

**The PRESIDENT:** According to Standing Order 53, I inform the House that on Thursday 5 December 2024 the Cabinet Office requested to vary the scope of the order for papers. I certified an agreement reached between the member who moved the order, Ms Abigail Boyd, and the Cabinet Office, which was published by the Clerk. I table an agreement, certified on Friday 6 December 2024, that varied the due date for documents from Treasury for paragraphs (a), (b), (d) and (e) to Tuesday 17 December 2024.

The question is that the varied terms of the order be agreed to.

**Motion agreed to.**

**LOCAL SMALL COMMITMENTS ALLOCATIONS****Variation of Order**

**The PRESIDENT:** According to Standing Order 53, I table a request received on Thursday 19 December 2024 from the Cabinet Office to vary the scope of the order for papers, together with a response from the Hon. Chris Rath not agreeing to the request.

According to standing order, as no agreement was reached, the original order stands with the original due date.

**CREATIVE ARTS DRAFT SYLLABUS****Disputed Claim of Privilege**

**The PRESIDENT:** According to Standing Order 52, I inform the House that on Friday 13 December 2024 the Hon. Jacqui Munro disputed the validity of a claim of privilege on certain documents returned on Wednesday 4 December 2024.

The Hon. Keith Mason, AC, KC was appointed as Independent Legal Arbiter to evaluate and report as to the validity of the claim of privilege. The disputed documents were released to the Hon. Keith Mason, who requested additional submissions from relevant agencies, through which the dispute was resolved with a return, received on Monday 3 February 2025, of documents for which certain claims of privilege have been withdrawn and with information over which privilege or personal information continues to be claimed redacted, and identifying a document for which previous claims of privilege have been withdrawn.

**EARLY CHILDHOOD EDUCATION AND CARE SECTOR****Disputed Claim of Privilege**

**The PRESIDENT:** According to Standing Order 52, I inform the House that on Friday 20 December 2024, Ms Abigail Boyd disputed the validity of a claim of privilege on certain documents returned on Wednesday 11 December 2024.

The Hon. Keith Mason, AC, KC, was appointed as Independent Legal Arbiter to evaluate and report as to the validity of the claim of privilege. The disputed documents were released to the Hon. Keith Mason, who requested additional submissions from relevant agencies and convened a meeting with the member and relevant agencies to discuss the scope of the dispute and the claim of privilege.

**GAMING REFORM****Tabling of Correspondence**

**The CLERK:** According to the resolution of the House of Wednesday 20 November 2024, I table correspondence received on Thursday 19 December 2024 from the Cabinet Office, responding to correspondence from Ms Cate Faehrmann on Friday 13 December 2024 regarding compliance with the order for papers.

**GOVERNMENT AGENCY MERCHANT FEES****Tabling of Correspondence**

**The CLERK:** According to the resolution of the House of Tuesday 12 November 2024, I table correspondence received on Friday 17 January 2025 from the Cabinet Office, responding to correspondence from Ms Abigail Boyd on Friday 10 January 2025 regarding compliance with the order for papers.

*Petitions***PETITIONS RECEIVED****Croydon Transport Oriented Development Plan**

ePetition requesting that the Legislative Council implement the original Transport Oriented Development provisions for Croydon and reject any alternative master plan proposed by Burwood Council, received from **the Hon. Chris Rath**.

**National Parks and Wildlife Service Land Management Practices**

ePetition requesting that the Legislative Council undertake an urgent inquiry into the land management practices of the National Parks and Wildlife Service and its failure to conduct controlled burns, received from **the Hon. Wes Fang**.

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

*Visitors***VISITORS**

**The PRESIDENT:** I note the plethora of excellent interns in the Parliament this week. I welcome Charity Devenish, who is interning in the office of the Leader of the Opposition. I am sure she will learn much from him. I also take this opportunity to welcome to the President's gallery the former member for Monaro, Nichole Overall, whom I suspect we will all be seeing a lot more of in the future.

*Members***MINISTRY**

**The Hon. PENNY SHARPE:** I inform the House that on 6 February 2025 Her Excellency the Governor accepted the resignation of the Hon. Joanna Elizabeth Haylen, MP, as Minister for Transport and appointed the Hon. John Graham, MLC, as Minister for Transport.

**SENIOR MINISTERS**

**The Hon. PENNY SHARPE:** I inform the House that effective from 6 February 2025 the following Ministers were designated as senior Ministers:

The Hon. Daniel Mookhey, MLC

The Hon. Ryan John Park, MP

**REPRESENTATION OF GOVERNMENT IN THE LEGISLATIVE COUNCIL**

**The Hon. PENNY SHARPE:** I inform the House that from 6 February 2025 in the representation of Government responsibilities in this Chamber I will act in respect of my own portfolios, and will represent the following Ministers:

The Hon. Christopher John Minns, MP  
Premier

The Hon. Paul Scully, MP  
Minister for Planning and Public Spaces

The Hon. Kate Rebecca Washington, MP  
Minister for Families and Communities, and Minister for Disability Inclusion

The Hon. Anoulack Chanthivong, MP  
Minister for Better Regulation and Fair Trading, Minister for Industry and Trade, Minister for Innovation, Science and Technology, Minister for Building, and Minister for Corrections.

The Hon. John Graham, the Minister for Transport, 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, will act in respect of his own portfolios and will represent the following Ministers in the other House in respect of the following portfolios:

The Hon. Jihad Dib, MP  
Minister for Customer Service and Digital Government, Minister for Emergency Services, and Minister for Youth Justice

The Hon. David Robert Harris, MP  
Minister for Aboriginal Affairs and Treaty, Minister for Gaming and Racing, Minister for Veterans, Minister for Medical Research, and Minister for the Central Coast

The Hon. Jennifer Kathleen Aitchison, MP



Minister for Regional Transport and Roads.

The Hon. Courtney Houssos, the Minister for Finance, Minister for Natural Resources, and Minister for Domestic Manufacturing and Government Procurement, will act in respect of her own portfolios and will represent the following Ministers in the other House in respect of the following portfolios:

The Hon. Prudence Ann Car, MP  
Deputy Premier, Minister for Education and Early Learning, and Minister for Western Sydney

The Hon. Ryan John Park, MP  
Minister for Health, Minister for Regional Health, and Minister for the Illawarra and the South Coast.

The Hon. Rose Jackson, the Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast, will act in respect of her own portfolios and will represent the following Ministers in the other House in respect of the following portfolios:

The Hon. Yasmin Maree Catley, MP  
Minister for the Hunter

The Hon. Steven James Robert Whan, MP  
Minister for Skills, TAFE and Tertiary Education

The Hon. Jodie Elizabeth Harrison, MP  
Minister for Women, Minister for Seniors, and Minister for the Prevention of Domestic Violence and Sexual Assault.

The Hon. Daniel Mookhey, the Treasurer, will act in respect of his own portfolio and will represent the following Ministers in the other House in respect of the following portfolios:

The Hon. Sophie Cotsis, MP  
Minister for Industrial Relations, and Minister for Work Health and Safety

The Hon. Michael John Daley, MP  
Attorney General

The Hon. Stephen Kamper, MP  
Minister for Small Business, Minister for Lands and Property, Minister for Multiculturalism, and Minister for Sport.

The Hon. Tara Moriarty, the Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales, will act in respect of her own portfolios and will represent the following Ministers in the other House in respect of the following portfolios:

The Hon. Yasmin Maree Catley, MP  
Minister for Police and Counter-terrorism

The Hon. Ron Hoenig, MP  
Minister for Local Government.

### *Questions Without Notice*

### **PSYCHIATRY WORKFORCE**

**The Hon. DAMIEN TUDEHOPE (13:31):** My question is directed to the Minister for Mental Health. On Monday 20 January 2025, the Minister said in relation to the dispute with the psychiatrists:

We're committed to seeking an urgent intervention from the Industrial Relations Commission to try and arbitrate this challenge ...

When she made that statement, was the Minister aware that the Industrial Relations Commission had already exercised its powers under section 130 (2) of the Industrial Relations Act 1996 on its own initiative to take steps to resolve the dispute? If so, why did the Minister claim the Government was seeking an intervention the commission had already initiated?

**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) (13:32):** I thank the honourable member for his question. It was a fast-moving situation, as it should have been because it is a serious issue and the Government takes it seriously. My recollection is that whilst the commission had listed some form of consideration for the Tuesday of that week—I do not want to mislead the House, but I understand it was the Tuesday of that week—that had not formed the basis of what the Government was seeking, which was a full consideration of the matter specifically for staff specialist psychiatrists. While there was some consideration listed for Tuesday, the Government wanted to take the initiative earlier than that, on the Monday, to make sure that what it was seeking, which was a special consideration of the matter as it related to staff specialist psychiatrists, happened as soon as possible.

I am pleased to report to the House that is what happened, and the matter is listed for consideration in front of the full bench on 17 March. The Industrial Relations Commission is obviously independent from government. We welcome its agreement to the proposition that the Government put—as I said, as I understand—at that hearing,

which was on the Tuesday, where the Government initiated a request for the commission to list the matter urgently. There is an ongoing dispute between the Australian Salaried Medical Officers' Federation and the Government in relation to the staff specialist award generally. That had been under consideration for some time. That had been in the commission; there had been efforts of mutual gain bargaining. That is still the case.

What the Government sought, and was pleased that the commission agreed to, was a special consideration specifically for psychiatrists, who are obviously covered by that broader award. The Government recognised there are particular matters that relate to psychiatry that do warrant specific consideration urgently. That is what the Government was seeking. That is what the commission agreed to. As I said, I am pleased to report to the House that was agreed, and that it will be considered before the full bench. It is on the public record, and I reiterate, that the Government is committed to whatever outcome the commission determines is fair and reasonable in the circumstances.

This is not a commission that is shackled. I think that is the word that it used in relation to the wages cap. It has been unshackled from the wages cap by this Government. It is able to consider a broad range of issues, including recruitment and retention, which is of relevance in this matter. The Government has unshackled the commission and given it powers. The commission is at arm's length and is independent. The Government looks forward to going to that hearing in front of the full bench and having the matter resolved.

**The Hon. DAMIEN TUDEHOPE (13:35):** I ask a supplementary question. I do not want to quibble with the answer the Minister gave but, potentially, the hearing that the Minister alluded to was a directions hearing in respect of a matter which had already been called into the commission before she announced that she would be seeking that. Will the Minister seek further advice and check if her understanding is correct as to who called this matter before the Industrial Relations Commission?

**The Hon. Emily Suvaal:** Point of order: As I understand it, that was a restatement of the original question and a request that the Minister take on notice the provision of further information. As I understand, it is out of order to ask that in a supplementary question. A supplementary question is to elucidate information given in the answer. It cannot simply ask the Minister to check the details. The Minister has answered the question.

**The PRESIDENT:** While I appreciate the attempt, as members know, I allow relatively wide latitude for supplementary questions. The supplementary question is in order. The Minister can answer it as she chooses.

**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) (13:36):** I do not mind clarifying. The matter was before the commission. The entire Australian Salaried Medical Officers' Federation [ASMOF] staff specialist award has been under consideration for some time. I acknowledge there had been some specific directions in relation to the matter. For example, the commission had already instructed ASMOF not to organise mass resignation as an industrial tactic to pursue the 25 per cent wage claim at an earlier date. That had been considered by the commission and that determination was made.

I am not denying that the matter—the staff specialist award and the specific industrial dispute with psychiatrists—was under consideration by the commission. I completely reject the proposition that the commission had already determined to list the matter as an urgent matter in front of the full bench specifically for staff specialist psychiatrists before I said that is what the Government would seek. That is, in fact, what the Government did seek in the hearing in front of the commission. I stand by the fact that the Government was proud to be on the front foot in a matter that had been under consideration, asking the commission, "Can you pull out psychiatrists specifically? Can we urgently resolve this matter because we recognise that it needs to be resolved quickly?" That is all on the public record. I am happy to clarify that for the member.

#### TRADE TARIFFS

**The Hon. MARK BUTTIGIEG (13:38):** My question is addressed to the Treasurer. Will the Treasurer update the House on the latest developments in international trade and the potential impact of tariffs on New South Wales?

**The Hon. DANIEL MOOKHEY (Treasurer) (13:38):** I thank the member for his question. There are going to be lots of businesses and lots of workers today who will be quite anxious about a change in trade policy by one of our principal trade partners. The Government is concerned about the possibility of tariffs applying to our products, including steel and aluminium. There are many people in the Hunter and Illawarra who will have a keen interest in the development of this particular issue. I have spoken about the issue in the House previously. I have made the point that Australia is a trading nation and New South Wales, more than any other State within the Federation, is a trading State. As a nation, Australia is 0.34 per cent of the world's population, but our economic contribution is 0.97 per cent. We produce three times more than we consume, so we need open markets to be able

to sell our products and create jobs and businesses so people have good profits and good wages. We thrive on our ability to sell the skills and talents of our people to the world, and we do a lot of that with the United States.

The United States is a great ally and trading partner. It is a positive relationship for the United States, which has run trade surpluses with Australia for more than a decade now. Increasingly, Australia is one of the biggest foreign direct investors in the United States. Australian superannuation money is funding so much of the industrial renaissance that is taking place in many places. The United States needs more foreign direct investment in areas like infrastructure, but on top of that the capacity to access some of the world's best aluminium and steel is as good for the United States as it is for New South Wales. That is why it was so pleasing this morning to see that the Prime Minister has already spoken with President Trump, making these arguments and explaining directly the nature of these claims.

It is equally good that this has been joined by an element of bipartisanship. It is very welcome to see former Prime Minister Turnbull unite in the message on this. It is equally pleasing to see the case being made by the Business Council of Australia. This is a moment when it is important that all sides of politics work together to ensure that we protect Australian jobs and Australian businesses. I am glad that message is coming out of Canberra. I hope it is followed here on Macquarie Street too, because we are one of the only States left with an aluminium smelter and a major steelworks. New South Wales has a real interest in this matter. Open trade fosters economic growth, innovation and consumer benefits. I look forward to keeping the House apprised of how this new policy by the Trump administration affects New South Wales.

### PSYCHIATRY WORKFORCE

**The Hon. SARAH MITCHELL (13:41):** My question is directed to the Minister for Mental Health. Before the Minister commenced her gazetted 22 days of leave on 29 December 2024, what was her understanding of the number of resignations from psychiatrists that had already been notified to take effect from 22 January 2025, three days after her scheduled return to duties? Was the Minister confident that the impending crisis in the New South Wales mental health system could be managed in her absence?

**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) (13:41):** I thank the honourable member for the question. The answer to the first part of the question is 206. The number of psychiatrists who indicated that they intended to follow through with the threat of mass resignations as an industrial tactic to push their claim for a 25 per cent wage increase in one year was 206. I can give the House an absolute assurance that I was extremely confident in the management of that issue whilst I was taking some leave with my family. Not only can I give members an assurance that I was confident about that, but I am also happy to update the House that my confidence was well placed because what did occur was exactly the kind of expectations I had about what may occur whilst I took some leave with my family. When the opportunity arose to progress the matter, I ensured that I was available for that.

Extensive contingency plans were made by myself and my office in the briefings that I was receiving regularly. Despite being on leave, I ensured that information was being provided to me as I needed it. My office, of course, had contingency plans to manage that. NSW Health had extensive contingency plans and I had been briefed personally and in detail about what they were, how events might play out and timelines et cetera. There was obviously an acting Minister in place, and she was clearly briefed on this matter. The health Minister, who was not the acting Minister but was also present during that period, was also extensively briefed on the issue. To the extent that the House needs confidence that clear information was provided to allow me to take leave with my family in early January, I can say that is absolutely what occurred.

This job is an absolute privilege. I love this job, but I love my family too. I do not want to sacrifice my marriage and I do not want my kids to hate me and think that I am a stranger. I make no apologies for taking a little bit of time with my family in early January during school holidays, which, as people with school-age kids would know, is a good time to get away. I would never do that without the confidence that things could be managed in my absence. That confidence was there because of the work that we had done. I hope subsequent events give the House the confidence that not only was that planned, but also that this is what happened.

**The Hon. SARAH MITCHELL (13:44):** I ask a supplementary question. I thank the Minister for her answer. Will the Minister elucidate the part of her answer where she spoke about being extremely confident in the management of these issues in her absence? Will the Minister also confirm that she cut short her holiday in Japan and returned to resume her ministerial duties? Given that she was so confident that things were being covered in her absence, what changes did she not anticipate that meant she needed to come back early?

**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) (13:45):** I am happy to

elucidate on that. Part of the contingency planning we had was that if the circumstance arose to progress the matter and try to push towards a resolution, I would make myself available. I left knowing that was a possibility.

**The PRESIDENT:** Order!

**The Hon. ROSE JACKSON:** The opportunity to progress the matter through dialogue between NSW Health, the Australian Salaried Medical Officers' Federation and the college presented itself, and I made sure I was available for that. As I said, that was always part of what was possible. It was always part of the plan that if there was an opportunity to progress towards a resolution, I would make myself available, and that is what happened. As I said, I ensured that I was here for that, so that the House and the community could have the confidence that in that circumstance I would be available—which, in fact, I was.

### FIREARMS LICENCES

**The PRESIDENT:** I call the Hon. Robert Borsak, whom I welcome back to the Chamber looking in such rude health.

**The Hon. ROBERT BORSAK (13:46):** Some would agree with you. My question is directed to the Hon. Tara Moriarty, representing the Minister for Police and Counter-terrorism in the Legislative Council. Recently, the New South Wales police released new health risk assessment guidelines for GPs to ensure the safety of selected applicants or existing licence holders to hold firearms licences. In part, it states, "Any illness, injury or disability that is likely to impair a person's ability to meet these requirements". Will the Minister provide a list of how many firearms offences have been committed by New South Wales residents because they use a wheelchair or are vision-impaired?

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (13:46):** I thank the member for the question. I also welcome him back to the Chamber. It is good to have him back and I wish him good health. This question has been asked to me in my capacity as the Minister representing the Minister for Police and Counter-terrorism. Whilst I acknowledge the seriousness of the policy changes that might have been made or the policy considerations that are given for how licensing decisions are made by the New South Wales police, off the top of my head I am unable to provide information on who may have committed these crimes or used weapons in such ways. However, I take the question seriously, so I will seek an answer from my colleague the Minister for Police and Counter-terrorism and bring it back to the member.

**The Hon. ROBERT BORSAK (13:47):** I ask a supplementary question. Will the Minister provide the evidence for the risk assessment that informed this policy development in relation to vision-impaired and wheelchair-bound firearms licence holders?

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (13:48):** I thank the member for his supplementary question, which is pretty specific. It is important, so I have undertaken to get some further information on the policy decisions that have been made and the risk assessments that are being done, particularly relating to people with disabilities. I will seek that further information and bring it back to the member.

### PSYCHIATRY WORKFORCE

**The Hon. Dr SARAH KAINE (13:48):** My question without notice is addressed to the Minister for Mental Health. Will the Minister update the House on the New South Wales mental health system?

**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) (13:48):** I am happy to update the House because I appreciate this is an issue of some concern to members here and in the community. As I indicated previously in answer to another question, 206 psychiatrists employed as staff specialists by NSW Health indicated that they would be resigning from their positions in order to pursue their claim for a 25 per cent wage increase in one year. Last year I reported to the House that we have had extensive negotiations and discussions with the Australian Salaried Medical Officers' Federation, their union, and the college of psychiatrists. The Government's view is that it is an unreasonable request, and the numerous opportunities that we have put forward to explore productivity improvements and other special allowances have not been accepted.

As of today I can report that 47 psychiatrists have had their separation finalised by NSW Health. But pleasingly, 134 psychiatrists have either withdrawn their resignation, have deferred it to a later date to allow the industrial relations process to take its course or have transferred to a visiting medical officer [VMO] role and are still delivering patient care within NSW Health. That is a really important update that the House needs to know. It demonstrates that while, of course, I take this matter incredibly seriously—and that there have been 47 who have resigned is of concern to me—the vast majority of psychiatrists are sticking with the system as we work

through this in the industrial commission. I thank those who have rescinded their resignations, who have deferred their resignations or who are continuing to work as VMOs. That is a really positive step.

I give them a commitment, as I have done publicly, that we take the independent industrial process really seriously. The issue of recruitment and retention they have raised is in the objectives of the Act for the commission to consider. We will be really up-front about the challenges that we have faced in the delivery of health care, considering the pressure on our psychiatrists. I accept that there is pressure on the psychiatry workforce. The Government will abide by whatever the commission determines is a fair and reasonable outcome. The briefing I have had, and I was briefed as early as this morning by the Secretary of NSW Health, is that while there is pressure—the mental health system in New South Wales has been under pressure for some time and that has been exacerbated by this dispute—in the circumstances, the system is operating well and the community should have the confidence that care is available for those who need it.

### WORKERS COMPENSATION

**Ms ABIGAIL BOYD (13:51):** My question without notice is directed to the Treasurer. At the end of last year this Parliament passed legislation that put a Treasury official onto the board of icare, supposedly informed by a finding of the Government-commissioned *Operational expenditure review: Insurance and Care NSW (icare)*. Given that another finding of that review was for Treasury to advise on workers compensation system settings and payments, and given that during debate on that bill we were told that legislation would be forthcoming that addressed the clear deficits in the workers compensation system, is Treasury currently doing any consultation on proposed reforms to workers compensation legislation?

**The Hon. DANIEL MOOKHEY (Treasurer) (13:52):** I thank the member for her question. It is a really good question. I am glad the member did not factor in that at the end of last year, in response to the operational review of icare, we did introduce legislation that will now see the Treasury secretary or a delegate of the Treasury secretary sit on the icare board. That aligns the icare board with some of the TCorp board, which is the other public finance corporation. I make the point, as this House has canvassed over many years, that some of the legislative privileges icare had did need to be tested in the wake of the icare story—or, dare I say, the icare saga. I am glad that change was made.

The second point the member made is that the operational review has flagged the need for icare to make some changes to lower its costs. That is reflective of the fact that there is a lot of pressure on the schemes for which icare is responsible. That brings us to the core of the question: Is Treasury undertaking any consultation? Let me double-check precisely what consultation Treasury may or may not be doing. My understanding is that it is certainly doing consultation inside the Government right now. But the member might be referring to external consultation, so I will take that part of the question on notice.

I make the point that Treasury is undertaking internal consultation because there is no doubt that this year this Parliament will need to take up the issue of workers compensation. Undoubtedly we are going to need to look to see whether the system remains fit for purpose—whether it is delivering for workers who are injured, whether it is delivering for the businesses that fund these schemes and, equally, whether we can do things better. That is a debate that we have to have.

When I was on the other side of the House, I certainly spent a lot of time exploring a lot of what went wrong in the culture of that organisation. I am glad that Minister Cotsis has since been acting on so much of what should have been done before we came to government. The fact that there was an operational review is because it was instigated by Minister Cotsis. It was run by the Minister and has identified ways for icare to do things better. I thank John Robertson and the icare board for cooperating with that review.

We are now at that point. As we said at the time, fixing icare and fixing the workers compensation scheme is going to take years. It can be run into the ground in one year; it can take a decade to rebuild it. That is where we are up to on the journey to recover from the mistakes that we inherited. We want to do that so we have a scheme that protects workers and the businesses that fund them. We want to make sure that the businesses that are paying premiums into this scheme are getting good service. But we also want to make sure this scheme returns workers to their health and then to their work as soon as possible.

**Ms ABIGAIL BOYD (13:55):** I ask a supplementary question. I thank the Treasurer for his answer. Could he elucidate on the point around the internal consultation that Treasury is doing, particularly whether that involves modelling particular options for the reform?

**The Hon. DANIEL MOOKHEY (Treasurer) (13:55):** Yes, Treasury does model. It is modelling options. In terms of whom it is consulting with, icare is of course one organisation it would be working with. SIRA, the regulator, is another. The Department of Customer Service, which has a policymaking function as it applies to SIRA, is obviously the other key government agency. Treasury always models different implications

because it has to do so when it prepares the half-year review and the budget. As the member knows full well, icare's scheme liabilities are valued every six months. In the wake of every valuation cycle, updates are provided. That, of course, then catalyses internal policy work and advice to me and the other Ministers as well. Treasury does that job very professionally. Some other member might ask me a second supplementary as to whether I will table that advice. Let me get ahead of that and say I will not. But I will continue to keep the member updated about where we are up to.

### SYDNEY WATER ANNUAL REPORT

**The Hon. NATALIE WARD (13:56):** My question is directed to the Minister for Water. The Sydney Water website states, "In late November every year we issue our annual report. It covers our achievements and challenges over the previous year." It is now February and there is still no annual report for 2023-24 on that website. When did the Minister first receive a copy of this annual report? What is the reason for the delay in making the report publicly available?

**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) (13:57):** I am happy to answer this question. I cannot recall off the top of my head when I first saw the report. I recall it was around October or November last year. I am happy to take on notice the exact date for the member. It is not something that I recall. The member may or may not be aware that the annual report of Sydney Water is seen not just by me, as the portfolio Minister, but also has to go through three ministerial offices. My colleagues the shareholder Ministers also need to be given the opportunity to peruse that report as the shareholders of that organisation. My understanding is that the report was in fact tabled yesterday, so it has now gone through that process. As I said, I am happy to take on notice when I first saw it, but the member is able to look at it now.

**The Hon. NATALIE WARD (13:58):** I ask a supplementary question. I thank the Minister for taking that question on notice and coming back to us with specifics about when she became aware. Given that she has confirmed that it was tabled yesterday, I ask that she elucidate her answer in relation to that tabling—

**The Hon. John Graham:** Why haven't you read it?

**The Hon. NATALIE WARD:** Because it is still not on the website. Why is it still not on the website?

**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) (13:58):** I have actually dealt with this question before of whether it is part of my ministerial responsibilities to literally get on the HTML code—no, I should not joke. I will ensure that Sydney Water updates its website. There is a lot going on in water and with Sydney Water; I make no bones about that. There are challenging times there, which is one of the reasons why we wanted to make sure that the annual report had good eyes on it across all three Ministers. Ensuring that the website is updated is not at the top of my to-do list as a Minister. Perhaps it is someone at Sydney Water's job to watch Legislative Council question time; I apologise to that individual. Now that it has been brought to my attention, I ask them to please get over to the comms team and ask them to update the website.

### DOMESTIC MANUFACTURING

**The Hon. PETER PRIMROSE (14:00):** My question without notice is addressed to the Minister for Domestic Manufacturing and Government Procurement. Will the Minister update the House about new opportunities for manufacturing in New South Wales?

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (14:00):** I thank the honourable member for that important question about the manufacturing sector. The Treasurer outlined earlier some of the broader geopolitical challenges that may or may not be on the horizon for our manufacturers. We know that small and large manufacturers across New South Wales are watching those developments closely. The Government welcomes the outcome of the telephone call between Prime Minister Albanese and President Trump. I take this opportunity to pay tribute to our ministerial colleague Mr Anoulack Chanthivong, who is working closely with the Federal Minister for Trade and Tourism to address the issues. We know how important it is for New South Wales manufacturers, who, for more than a decade, were shut out of the New South Wales government procurement system through a series of deliberate decisions taken by our predecessors. Those opposite are tired of hearing about the problems, but we are dealing with the consequences of a series of deliberate decisions taken by them.

I welcome the opportunity to update the House about the range of serious measures that the Government is pursuing in order to rebuild the manufacturing sector in New South Wales. Over the parliamentary break the Government's "if not, why not" policy came into effect. It is a new policy that requires New South Wales

government agencies to look for local providers before finding a provider either somewhere else across the country or overseas. It is an important step as we try to undo more than a decade of cultural change in New South Wales. Over the break I was also fortunate to stand with the Premier to announce joint State and Federal funding of more than \$47 million to establish the Illawarra Heavy Industry Manufacturing Centre of Excellence at TAFE NSW Wollongong. If we want to rebuild our manufacturing sector, we need to have the right skills in place.

The Government is also using its own procurement dollars. It spends over \$42 billion each year in procurement. We will be procuring more of those services here in New South Wales. It was announced over the parliamentary break that Australian-owned bus manufacturer Foton Mobility is set to build a 6,000-square-metre manufacturing facility in South Nowra. That is a direct way that the New South Wales Government is better leveraging its procurement spend. Most importantly, the Government is partnering with industry. I was fortunate to visit the Advanced Manufacturing Readiness Facility. I commend the expertise that it has found across the private sector. The Government will have more to say about that as it rebuilds the manufacturing sector in New South Wales.

### INSTITUTIONAL CHILD SEXUAL ABUSE

**The Hon. JEREMY BUCKINGHAM (14:03):** My question is directed to the Treasurer, representing the Attorney General. Last year the High Court, in *Bird v DP*, found that organisations are not vicariously liable for child sexual abuse committed by non-employed members, such as clergy. This House agreed to consider any amendments that could be made to the law to enable survivors of historical child sexual abuse to successfully bring claims against institutions. What advice has the Attorney General sought? What actions has he taken to this point?

**The Hon. DANIEL MOOKHEY (Treasurer) (14:04):** I thank the member for his question to me in my capacity representing the Attorney General. There has been a series of High Court decisions in the wake of the Royal Commission into Institutional Responses to Child Sexual Abuse that are relevant to specific amendments and the specific issues that the member raised. *Bird v DP* is one of those. That case considered the vicarious liability of organisations for the abuse by individuals who are akin to employees of the organisation. The member, who has been following the issue closely, would be aware that there was a similar decision in *GLJ v the Trustees of the Roman Catholic Church for the Diocese of Lismore*. The Government is closely monitoring the implications of those High Court decisions, including developments in other jurisdictions.

On 13 November 2024, in *Bird v DP*, the High Court found that a relationship of employment has always been a necessary precursor to a finding of vicarious liability in Australia and that there is no solid foundation for the expansion of the doctrine to relationships that are "akin to employment". The court observed that the reformulation of the law of vicarious liability is a matter for the Legislature. The Department of Communities and Justice has briefed the Attorney General on the implications of the case and proposals from stakeholders to legislatively extend vicarious liability to those akin to employees, and the Attorney General is considering that advice.

In 2018 the then New South Wales Government amended the Civil Liability Act 2002 to prospectively extend the common law of vicarious liability so that it applies to not only employees but also those akin to employees, such as clergy and volunteers. The then Government also introduced a prospective statutory duty on certain organisations to take reasonable steps to prevent child abuse, with a reverse onus of proof. The New South Wales Government is considering the implications of the High Court's decision in the context of the findings and recommendations of the royal commission. That consideration also includes weighing the implications of any potential reform as well as closely monitoring any legislative developments in other jurisdictions.

Retrospective reform relating to the vicarious liability of organisations for those akin to employees requires close consideration of the potential impact, including the scope of the expansion as well as the capacity of institutions to respond and to be able obtain insurance. That is why there is a desire to closely monitor and interact with other jurisdictions that also have to understand how to ensure that it is not just a prospective duty but that the retrospective nature is dealt with. It is a complex matter. I will refer the question to the Attorney General to see if there is any further information that he can provide.

### MINISTERIAL CAR USE

**The Hon. CHRIS RATH (14:07):** My question is directed to the Minister for Mental Health. At any time from before the Minister got into the Kia Carnival on Saturday 25 January 2025 until the media broke the story of the unacceptable use of taxpayers' money, did the Minister ever consider whether it was a proper use of a ministerial vehicle or express any concern about that use of a ministerial vehicle to the then Minister for Transport or to the Premier?

**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) (14:07):** I thank the honourable member for his question. The answer to the question is no. I have been up-front about the fact that I was thoughtless in relation to that. I was distracted by the fact that the lunch and the entire weekend was a surprise to me. I had no knowledge of or involvement in any of the logistics or planning. I was excited to be having lunch with my friends. It was thoughtless. The Premier has spoken to me about that. He has made clear his expectations, and I absolutely welcome that. The best way to address the issue—and it is an issue—is to update the guidelines to make the expectations clear to everyone. The Premier has done that. He has indicated that he should have done that on day one of becoming Premier. That updating of the guidelines is the appropriate thing to do and I support it.

**The Hon. CHRIS RATH (14:09):** I ask a supplementary question. Will the Minister please elucidate whether her thoughtlessness and her excitement at her birthday surprise celebration continued all week, preventing her from thinking soberly about the misuse of a ministerial vehicle in the course of that celebration?

**The Hon. Emily Suvaal:** Point of order: I ask you to rule the question out of order. There is some clear argument in the way that the question is currently phrased.

**The Hon. Sarah Mitchell:** What word contains argument?

**The Hon. Emily Suvaal:** There is argument in the assertion that the Minister has somehow done something wrong. There is a direct imputation, and this has been widely canvassed. I ask you to rule it out of order.

**The Hon. Chris Rath:** To the point of order: The word "thoughtless" was used in the Minister's response. The elucidation was being sought by using the word "thoughtless" in my supplementary question. There is no argument whatsoever in the question.

**The Hon. Emily Suvaal:** Further to the point of order: The word "misuse" in the question is specifically the word that I take issue with.

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

**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) (14:11):** Again, the answer to the question is no. I was distracted. I was thoughtless. I accept that, absolutely, it was not the right thing. The then Minister for Transport has accepted that as well, clearly. No-one could give me a harder time than I have given myself about the fact that it was thoughtless, that I was distracted and not thinking about it. I am up-front about that. Like everyone, I imagine, it was a human moment—a mistake. Certainly the Premier has spoken to me about that. The rules have been updated. That is good. I support that. My explanation stands.

#### TOLL REBATES

**The Hon. BOB NANVA (14:12):** My question without notice is addressed to the Minister for Roads. Will the Minister provide an update on toll reform and how the Government is providing toll relief to motorists?

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (14:12):** I thank the member for his question. He is one of the State's commuters, asking this important question about toll relief and toll reform. I am happy to update the House about the Minns Government's war on toll mania. A key development has happened since the end of December. On 20 December 2024, toll road concessionaires signed an in-principle agreement on a set of principles to guide the detailed negotiations that will now progress this year. The concessionaires that signed include the entities responsible for WestConnex, including the M4, the M8 and the M4-M8 link Rozelle interchange; the M5 south-west; the M7; NorthConnex; the M2; the Lane Cove Tunnel; the Eastern Distributor; and the Cross City Tunnel.

These have been tough discussions so far, but I am pleased to say that we believe we are closely enough aligned on the objectives to continue negotiations and to commit to toll reform. Transurban updated the public in a statement in December to say that they "anticipate continuing our constructive dialogue with the Government so as to facilitate finalisation of the in-principle agreement before the end of the year". Indeed, that did take place. This will be difficult, given the contracts that we were left by the former Government, extending until 2060. But the Government believes that reform remains possible. Accordingly, the Government has also confirmed publicly that it is moving to stage two of the toll negotiations. The Government made that decision in December.

I also inform members that, since we were last in this place, it has been the first birthday of the \$60 toll cap. Starting on 1 January 2024, the Minns Government introduced a \$60 weekly toll cap for a two-year trial in



addition to the previous schemes that had been in place. Since the cap was introduced on 1 January, around \$99 million, as of 10 February, has been paid directly into motorists' accounts. We are about to hit that \$100 million mark with this \$60 toll cap. This rebate is helping motorists right across Sydney, but Blacktown was the suburb with the highest claims, with \$1.2 million in rebates up to the end of the year. Another suburb with high claims was Baulkham Hills, with \$1.19 million paid. These are million-dollar suburbs in Sydney. I am not talking about house prices; I am talking about toll relief going to the pockets of drivers.

### PSYCHIATRY WORKFORCE

**Dr AMANDA COHN (14:15):** My question is directed to the Minister for Mental Health. In the fallout of the resignation of two-thirds of staff specialist psychiatrists at NSW Health, it has been reported that the Government is not only moving public psychiatric patients into private hospitals but also looking at declaring private hospitals for treatment of involuntary patients under the Mental Health Act. Is this the case? Is it the Minister's intention that patients can be admitted involuntarily to private hospitals?

**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) (14:16):** I thank the honourable member for her question. The question is a good one. It goes to an issue that we were discussing earlier, which is the detailed contingency planning that NSW Health has put in place to manage the impact of the resignation of staff specialist psychiatrists as part of their wage dispute. One of those contingency measures involves a relationship with private hospitals. To be very clear and up-front, I do not want any of those contingency plans to be operational.

My preference is to resolve this dispute through the Industrial Relations Commission and not have mass resignation used as an industrial tactic to push a 25 per cent wage claim. But where that is happening, we have to make sure that patient care is front and centre. That is our top priority. Continuity of care for people experiencing mental ill health guides all of the decisions we make about contingency planning. Indeed, it is the case that some care is being provided by private hospitals on behalf of the New South Wales public hospital system as a temporary measure to ensure that care continues to be provided. That is the case.

In relation to involuntary patients, my understanding is that any facility can be gazetted to receive involuntary patients by the Secretary of NSW Health. That is not a determination that I make as Minister; it is made by the Secretary of NSW Health. I am happy to take on notice whether any such determination has been made. The latest information that I received from the secretary was that they had not, but that was not today. I am happy to take on notice whether that is, in fact, a designation that the Secretary of NSW Health has made. To reiterate, that would only be done in the circumstances where that was necessary as part of our contingency planning to ensure continuity of care. That is not our preference. That is not something that we would do outside the clear priority that we place on patient care and ensuring that care is available for those who need it. A partnership with private hospital providers is only one part, but it is one part of the work that we have been doing to ensure that that care continues to be available.

### MINISTERIAL CAR USE

**The Hon. SCOTT FARLOW (14:18):** My question is directed to the Minister for Housing. In relation to the Minister's recent trip to Japan, did she use a ministerial driver to take her and her family to the airport and, if so, did that occur while she was already on gazetted leave?

**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) (14:19):** The answer to the second part of the question is no, absolutely not. The answer to the first part of the question is yes, I did. The reason I did was that, as I outlined earlier to the House, it was really important to me to do the planning and contingency work to manage the fact that I was going on leave. Those briefings and that work occurred right up until I left. In fact, I even received briefings when I was overseas. All of my use of ministerial drivers is within the guidelines. I am confident that all of my ministerial car use meets not only the ministerial guidelines but also the public expectation test.

**The Hon. SCOTT FARLOW (14:20):** I ask a supplementary question. Will the Minister please elucidate the date of that trip and when her gazetted leave began?

**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) (14:20):** That trip began on 26 December and my gazetted leave commenced on 29 December.

**The PRESIDENT:** Sorry, I missed that final date, and Hansard might have missed it too.

**The Hon. ROSE JACKSON:** My trip commenced on 26 December, and my gazetted leave commenced on 29 December.

#### **HUNTER-CENTRAL COAST RENEWABLE ENERGY ZONE**

**The Hon. EMILY SUVAAL (14:20):** My question without notice is addressed to the Minister for Energy.

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

**The Hon. EMILY SUVAAL:** Will the Minister update the House on how the Government is delivering more clean energy and securing local jobs in the Hunter?

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (14:21):** I thank the member for her question. I was very pleased to be in the Hunter with the Hon. Emily Suvaal recently to make announcements about that. Together with the member for Cessnock and the member for Newcastle, the New South Wales Government announced a major milestone in the development of the Hunter-Central Coast Renewable Energy Zone. Labor is building a reliable, affordable energy system that benefits our economy and communities. That is why we are fast-tracking the development of the Hunter-Central Coast Renewable Energy Zone. Recently we signed a commitment deed with Ausgrid to progress the project. It will be the first renewable energy zone in Australia to utilise the distribution network, upgrading existing poles and wires to minimise impacts on surrounding communities and the environment.

New South Wales already gets around 35 per cent of its electricity from renewable energy, but we must move fast. These upgrades will facilitate more than one gigawatt of energy into the grid. That is enough to power hundreds of thousands of homes. The project will also create 175 local jobs in the Hunter region. I was lucky to meet with some of the Ausgrid electricians and apprentices who will be working on the project. They are pretty excited. Thanks to this Labor Government, they do not have to wait 15 years for a nuclear unicorn. We are creating Hunter jobs right now, and people are being trained to do those jobs today. The project is expected to be operational by 2028, which means more renewable energy flying into homes and businesses before 2030. That will put downward pressure on bills and help meet our emissions reductions targets.

What better place to do this than the Hunter? The region has seen more than its fair share of change over the past 50 years, and it is ready to embrace a new economic future based on reliable renewable energy. To that end, I acknowledge the Hunter unions and their members, led by the Hunter Jobs Alliance and the Trades Hall in the Hunter, for their long-running advocacy on this. They see the jobs of the future. They want to ensure that workers in the Hunter are looked after into the future and have good, local and secure jobs. Their work has been outstanding in this area. They understand the economic opportunities that come with building a reliable energy system.

The Hunter region, once underpinned by coalmining and coal-fired power, will lead New South Wales into its next phase. The project will be great for the Hunter. It will provide reliable, affordable energy to the homes and businesses of New South Wales. It will also allow many of our high-emitting industries to move to a low-carbon future that is based on manufacturing in the Hunter and that also provides us with opportunities for exports into the future, with New South Wales and Australia leading the charge in a decarbonised world.

#### **SYDNEY WATER PFAS TESTING**

**Ms CATE FAEHRMANN (14:24):** My question is directed to the Minister for Water. Recently Sydney Water advised the Select Committee on PFAS Contamination in Waterways and Drinking Water Supplies Throughout New South Wales that it tests for 45 PFAS chemicals. However, it publicly reports the results of only three PFAS chemicals: PFOS, PFOA and PFHxS. Is the Minister aware of the results of the other chemicals that Sydney Water has tested for, and what are they? Will the Minister ensure that Sydney Water publicly releases the results of all PFAS chemicals that it is testing for?

**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) (14:24):** Off the top of my head, I am not aware of the results of the testing of other chemicals that the member referred to. As Sydney Water explained in answer to questions at budget estimates, the testing of chemicals and the reporting on that testing is done to meet community needs and expectations. The intention is to provide information that the community wants to see about the quality of its drinking water. Those chemicals that are reported on are obviously not the ones that have been the focus of the inquiry. I am happy to take on notice the part of the question relating to other information held by Sydney Water that has not been reported. My intention is always to ensure that information is made available. We have always tried to ensure that information that the community wants to

see is published. I am happy to take on notice the part of the question relating to why that other reporting was not released, and I will see whether we might be able to do that.

**Ms CATE FAEHRMANN (14:26):** I ask a supplementary question. Will the Minister elucidate the part of her answer where she said that Sydney Water tries to meet community needs and expectations and that Sydney Water releases the data that the community wants to see? The community does not know that Sydney Water is testing for those chemicals. Is the Minister aware that the Blue Mountains community in particular is very concerned about PFAS chemicals? Is the Minister talking about the Blue Mountains specifically, or all of 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) (14:26):** I was referring to the entirety of Sydney, and I was referring to evidence that was provided in answer to questions that the member asked in budget estimates about the regularity of testing and the publication of those results. Legitimate questions were asked about what testing is done, how regularly it occurs and the reporting of that information. The member asked those valid questions in budget estimates, and information was provided. I understand that the main PFAS chemicals that the member and the community are concerned about are those that the member referred to that are the subject of reporting by Sydney Water. Sydney Water is being up-front about the testing it is doing, as it was in its answers to questions from the member in the committee. I will take on notice the part of the question relating to the decision to not publish the testing results for certain chemicals beyond the three that are being reported. I will see whether we might be able to do that and, if not, I will provide information about that.

#### MINISTERIAL CAR USE

**The Hon. NATASHA MACLAREN-JONES (14:28):** My question is directed to the Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast. In answer to a question from my colleague the Hon. Scott Farlow, the Minister advised the House that she took a flight on 26 December but that her gazetted leave started on 29 December. Will the Minister confirm that she was overseas and not on leave?

**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) (14:28):** I was not overseas for that period. I travelled domestically for a few days and continued to perform my ministerial duties. I informed the Premier of those arrangements. I left the country on 29 December.

#### ANIMAL WELFARE

**The Hon. STEPHEN LAWRENCE (14:28):** My question without notice is addressed to the Minister for Agriculture. How is the New South Wales Government improving animal welfare outcomes?

**The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (14:29):** I thank the honourable member for this important question. Our Government is committed to delivering better animal welfare outcomes in New South Wales. As one of the Ministers responsible for better animal welfare outcomes in New South Wales, I acknowledge that the community has a lot of interest in us having better rules in place, better protections for animals and better outcomes in this space. People are voting according to that.

It is worth updating the House on some significant reforms we have delivered so far. Of course, there is much more to do. We have provided \$12.5 million of funding to the RSPCA and the Animal Welfare League to undertake enforcement activities and also to have some better rules in place for how they are accountable for that money and how they are to report on how they are spending that money. That is a better transparency regime for people across the community to understand the issues being dealt with by these agencies with taxpayers' funds. We have updated the legislation to ensure that people who are caring for animals are fit and proper persons, which is an important reform. We passed new laws to ban puppy farming in New South Wales, which everyone will remember from that marathon debate last year. It is a significant reform. We have also banned forced smoke inhalation and forced swimming experimentation on animals, which is an important reform.

I will update the House on our further reform over the summer, which is in relation to updating the Prevention of Cruelty to Animals Regulation 2012 with significant improvements for animal welfare in New South Wales. That was done in quite a short time because that is what this Parliament and this Chamber directed the Government to do. There is more work to do in this space, but I am pleased to report that we updated that regulation, providing some better protections for animals. Those better protections include restricting the practices of surgical procedures to de-bark dogs and to declaw cats, which is something there is a lot of interest in across the community. It is a good outcome for dogs and cats. The protections also include revising reporting requirements of approved charitable organisations, including the RSPCA and the Animal Welfare League, so that

animals seized or taken possession of are reported to the Government so that we can gather data, which has not been available before.

We have also implemented the first key element of the nationally agreed poultry standards and guidelines for egg-laying chickens. There has been a significant amount of interest in that issue. I have indicated that we will be working with the sector to deliver the standards we have committed to. We started the first part of that with this regulation over the summer. And we have better enabled animal welfare inspectors to issue on-the-spot fines, including higher fines, for offences. There is much more to do in this space, but people who are interested in this should be confident that we are well on the way.

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

#### **SYDNEY WATER ANNUAL REPORT**

**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) (14:32):** Parliamentary accountability works. I inform the Hon. Natalie Ward that the annual report is on the website.

#### *Supplementary Questions for Written Answers*

#### **PSYCHIATRY WORKFORCE**

**Dr AMANDA COHN (14:32):** My supplementary question for written answer is directed to the Minister for Mental Health. In one of her answers, she informed the House that 134 of the psychiatrists who tendered their resignations have withdrawn, deferred or transferred to visiting medical officer [VMO] roles. Will the Minister provide a breakdown of those three categories? Specifically, how many psychiatrists have been transferred to VMO roles?

#### **MINISTERIAL CAR USE**

**The Hon. NATALIE WARD (14:32):** My supplementary question for written answer is directed to the Minister for Water. Will the Minister provide the House with a travel itinerary setting out her whereabouts between 26 December 2024 and 22 January 2025 as planned and as she eventually travelled?

**The Hon. Daniel Mookhey:** Point of order: I have listened to the dates about a request to provide an itinerary. I believe it was for 26 December to 22 January. As the Minister informed the House, she was on authorised leave from 29 December to 22 January. It does not relate to her duties, therefore. That is then in a private capacity and therefore not within the purview of the member to request that Ministers table private information. Mr President, I ask that you amend the question so it applies only from 26 December to 29 December.

**The Hon. Natalie Ward:** To the point of order: The Minister, by her own admission, said she was still taking briefings, taking calls and doing work during that time. She was very up-front with the House that she was continuing to do work. We are interested in what that work was.

**The Hon. Sarah Mitchell:** To the point of order: In response to one of the questions I asked, the Minister also indicated that she came back early and, presumably, came off leave before 22 January. We are curious to know the circumstances in relation to that decision as well—hence asking for the itinerary.

**The Hon. Daniel Mookhey:** Further to the point of order: Incidental or other exposure whilst on authorised leave is commonplace among Ministers. There was an acting Minister who had the commission at the time, who was responsible for exercising the Minister's portfolio duties during that time. That is longstanding constitutional practice. There is nothing novel about the fact that there is an acting Minister who holds the commission and therefore the powers during that time. Just because a Minister is on leave and receiving information whilst another Minister is acting for them does not transfer or otherwise impede on that principle. The acting Minister in this respect, I believe, was the Minister for Health.

**The Hon. Courtney Houssos:** No. Minister Harris.

**The Hon. Daniel Mookhey:** Minister Harris. If those opposite want to ask Minister Harris about official duties, that is one thing. Just because a Minister was receiving incidental information or otherwise engaging in their portfolio while another Minister held the constitutional authority to act does not mean that the question therefore should be in order.

**The Hon. Natalie Ward:** Further to the point of order: It might assist. The line of inquiry relates to the Act and who was acting for the Minister, under section 36. It goes to who was acting during that time. I am not interested in the internal travel details of what happened. We want to know the date that the Minister went overseas and the date she came back. What were the internal travel dates and the overseas travel dates? I am not interested

in the internal itinerary of where she went and what she did. I do not need to know what she did on the ski slopes. What I need to know is the internal travel dates, when she was on leave, when she was in the country and when she was out of the country—that is what we are seeking. It was offered and volunteered by her. She can provide it easily.

**The PRESIDENT:** Before I hear the Leader of the Government's point of order, which may be dealt with in the comment I am about to make, I must say that was not the supplementary question for written answer I heard. The question I heard was, "Can the Minister provide the House with a travel itinerary setting out her whereabouts between 26 December 2024 and 22 January 2025 as planned and as she eventually travelled?", but the two questions the Hon. Natalie Ward has asked are now different. Is the second question the member asked the question that she wants the answer to?

**The Hon. Natalie Ward:** I am happy to clarify. Our point is that we are interested, given the clarification she provided—

**The PRESIDENT:** If the member would not mind, she should just ask the specific and exact wording of the question she would like the answer to.

**The Hon. Natalie Ward:** Will the Minister provide the itinerary setting out her whereabouts internationally or within Australia between 26 December 2024 and 22 January 2025 as planned and as she eventually travelled? That is, what dates was she in Australia? What dates was she overseas? And when did she come back? When was she back in the country?

**The Hon. Penny Sharpe:** To the point of order: I have been listening very carefully to this. I think the Hon. Natalie Ward actually got to the question she was trying to ask. The idea that Ministers are required to provide an itinerary of when they are on gazetted leave is preposterous. It is not reasonable. Ministers do this all the time—and those opposite used to be Ministers and know that when they were on holidays they were always taking calls, even when officially on leave. If they were not, it just shows how slack they were. The point is that all of us work 24/7 in relation to these jobs.

There are very clearly set out rules and guidelines approved by the Governor in relation to our leave and in relation to the gazettal of that leave and the way in which various powers are operated. I am not quite sure what those opposite are trying to do with this, but I think there is a specific question about whether the question is in order, given it can be asked of the Minister in relation to this. If the Minister chooses to provide information on the dates, which I think is what the Hon. Natalie Ward was asking, I will not quibble with that. But asking for some sort of itinerary when Ministers are on leave is not in order.

**The Hon. Daniel Mookhey:** Further to the point of order: I thank the member for her clarification, but my original point stands. My suggestion, Mr President, is perhaps that you should exercise your discretion to change the question to apply only to 26 December to 29 December.

**The Hon. Natalie Ward:** Further to the point of order: I will provide clarification on the question so we can get clarification on the answer. The question is: Will the Minister provide a travel itinerary setting out her whereabouts—that is, in Australia or in a country or countries—between 26 December 2024 and 22 January 2025 as planned and as she eventually travelled?

**The PRESIDENT:** I will confer with the Clerk. Order! I thank all members who contributed to that quite interesting point of order. There is significant validity in the points made by both the Treasurer and the Leader of the Government. That being said, I do not think those points amount to ruling the question out of order. The Minister is entitled to answer the question any way she wishes, which may or may not include some of the points made by the Treasurer or the Leader of the Government. That is the end of the matter.

*Questions Without Notice: Take Note*

#### TAKE NOTE OF ANSWERS TO QUESTIONS

**The Hon. SUSAN CARTER:** I move:

That the House take note of answers to questions.

#### PSYCHIATRY WORKFORCE

**The Hon. SUSAN CARTER (14:42):** I take note of the answer given by the Hon. Rose Jackson to the question of the Hon. Dr Sarah Kaine in relation to managing the dispute with the psychiatrists. The Minister chose to answer in terms of the numbers—and very interesting numbers they were. She spoke of 295 staff psychiatrists. We all know there are actually 416 staff psychiatry positions in NSW Health, and currently not even two-thirds of those can be filled by staff psychiatrists. We currently have an enormous number of positions filled at three times the cost by locums—an issue that would be addressed if appropriate working conditions could be provided.

Let us think about who those 295 staff specialists are. They are people who are not working in the private system, where they could earn two, three or perhaps four times what they earn in the public health system. They are psychiatrists who are working in the public system because they have great concern for the mentally ill and want to provide the best possible care they can. Of those 295 staff psychiatrists employed, 206 offered their resignations. How bad is it getting? How despairing are psychiatrists of being taken seriously by this Government that 206 are offering their resignations? The Minister told us that only 47 had resigned and 134 had transferred to visiting medical officer positions or had deferred their resignations. That leaves a missing 25. Presumably those 25 are already locums at three times the cost.

Putting the numbers aside, let us look at the reality of the contingency plans that have been put in place. What do the contingency plans mean for the mentally ill? They mean that a mother who is distressed and should be in the Mother and Baby Unit at Westmead is not there because that unit is closed. It is not available to offer that incredibly important care to those women. It means that if someone is suicidal and they, happily, make it to the emergency department seeking help at one of our largest hospitals—Westmead—they find that those beds are closed and they are asked to wait. They are not given an end time to the wait; they are just waiting, refining their ideas about how they are going to take their own life, because the care for them is not there. It is now close to a four-day wait at the most desperate time of their life. This is what the effect of the psychiatry dispute really means. *[Time expired.]*

### PSYCHIATRY WORKFORCE

**Dr AMANDA COHN (14:45):** I asked the Minister for Mental Health if it was the intention of this Government that patients be admitted involuntarily to private hospitals as part of its contingency plan to deal with the crisis caused by the resignation of our staff specialist psychiatrists. There was an interjection from the Government benches at that point that I would like to respond to. The interjection was, "What's wrong with that?" I will explain exactly what is so wrong with that: It is because it is actually a fundamental question of human rights. If someone is admitted involuntarily under the Mental Health Act, there is a psychiatrist making a determination that that person is so mentally disordered or so mentally ill they need to be admitted for treatment against their own will for their own safety or for the safety of the community.

For that assessment to take place in the context of a profit motive—by someone who is employed by a private hospital—is absolutely egregious. It is contrary to the intention for least restrictive care under the Mental Health Act. There is a good reason that no private hospitals are currently declared mental health facilities under the Mental Health Act. For that to be part of the possible contingency from this Government would be an egregious abuse of human rights and abuse of patient rights, and it would rightly be condemned by people with lived experience of mental ill health and the people who love them.

In her answer on the contingency plan the Minister for Mental Health also said, "The system is operating well and care is available for those who need it." That is clearly not the case. It has been widely reported that somebody with an acute exacerbation of schizophrenia waited 88 hours at Westmead emergency for a bed. Someone else with suicidality waited for 86 hours. Those are just the examples that have been leaked to the media. I know that every public emergency department in New South Wales has examples like those. I can appreciate that it is perhaps the intention of the Minister to not discourage people from seeking help. I share that intent. The staff at NSW Health who are remaining are doing an incredible job providing the care that they can. I encourage people to seek help, but those health workers cannot continue to sustain this.

The Nurses and Midwives' Association has been absolutely vocal that the increased workload being put on its members as part of the contingency plan is absolutely unacceptable and that they are being asked to practise outside of their scope of practice. It is putting their professional registration at risk. It is putting patient safety at risk. The contingency plan is not working, and people are not getting the quality of care that they deserve in New South Wales. Frankly, that was not happening even before the psychiatrists resigned. Portfolio Committee No. 2's inquiry report in June used words to describe the system like "reactive", "crisis-driven" and "under-resourced", where workers were experiencing burnout and patients were receiving care that was far more restrictive than it should have been. Things have only gotten worse, and the Government needs to change tack.

### PSYCHIATRY WORKFORCE

**The Hon. EMILY SUVAAL (14:48):** I welcome all members back to the Chamber. It has been a great time away, but it is good to see familiar faces again, that is for sure. I take note of answers given by the Minister for Mental Health, the Hon. Rose Jackson. It would be wise to talk about some of the issues that we have inherited since coming to government. The incoming Minns Labor Government inherited the largest ever debt. The Government and the Treasurer have done a lot of work to get that back on track. We also inherited the wages cap. Wages were capped for our public sector workers, including staff specialists like psychiatrists. The wage

suppression of over a decade had real and lasting impacts, particularly on the people who are working day in, day out in our public health system.

The Opposition capped the pay of public sector workers like psychiatrists at 2½ per cent for 12 years. By the time those opposite left office, wages were lower in real terms than when they were elected to Parliament. The Opposition made a deliberate decision to cap the wages of public sector workers. Average pay increases for psychiatry staff specialists between the years 2017 to 2022 were 2½ per cent, 0.3 per cent—never forget the 0.3 per cent—2.04 per cent and 2.53 per cent. Following the election of the Minns Labor Government in March 2023, we delivered the largest pay increase in over a decade for those workers. In 2023-24, an increase of 4½ per cent was delivered, and 10½ per cent is on the table for the years between 2024 and 2027.

Now psychiatrists are asking for a 25 per cent wage increase. As a responsible government, we have outlined that we cannot deliver it. I acknowledge the valuable work that psychiatrists in our public health system—indeed, everywhere in New South Wales—do day in and day out. I, for one, truly appreciate the work they do, and I have spoken to many of them over the past few weeks. I sympathise with the position that they are in, but they have members opposite to thank for the complete lack of wages policy brought to bear upon the public sector for over a decade. Members opposite capped their wages, and these are the results.

## SYDNEY WATER ANNUAL REPORT

### TOLL REBATES

**The Hon. NATALIE WARD (14:52):** Firstly, I take note of the answer given today in relation to Sydney Water, which was astounding. Opposition members appreciate that a lot is going on with Sydney Water, which is why we asked the question of the Minister for Water. I am not sure why the response about hiding an annual statutory report, which is required to be tabled every year—within 12 months—from parliamentary and public scrutiny for 72 days is a laughing matter. It is a very serious matter and one that I would be mortified of. I would ask my department, "Where is it? What are we doing?" That is why we asked the question.

We are pleased that because we asked the question today, the report has now finally been put up on the department's website. We thank the poor Sydney Water person who was listening to question time. The Minister said that she has previously been asked this question and has been aware of the issue, but that she does not upload the report herself. Maybe she should take note and take these responsibilities seriously, because the Opposition does.

The website states, "In late November every year we issue our annual report." Sadly, they may have to change that now on their website to say, "Every year we issue our annual report in February." It comes down to the arrogance of the response. For us, it is a very serious matter that a government that was elected on the back of a promise to be accountable and transparent—"We will listen to you"—is doing the complete opposite, and that is playing out in many other areas of this Government. It is not funny. It is a statutory obligation.

That leads us to tolls and toll reform. I am pleased that we have had some discussion about tolls—and we will have a lot more discussion this year. I am pleased that there is a report. However, the report basically stated, "We have reached an agreement"—an agreement to agree, a memorandum of understanding. The recovering lawyers in this House know that it is just an agreement to agree, worth a bit of paper. That is not real toll reform.

We are now hitting the two-year, halfway mark of this parliamentary term and we are not seeing real toll reform as promised to the people of New South Wales. This Government came to office on the back of a promise that it would fix tolls to make it easier and cheaper for people, and that there would be no new tolls. That was a lie, because there will be new tolls on the Harbour Bridge. This Labor Government has brought in changes to make tolls higher, to go on for longer under its proposed agreement and to introduce new tolls, with tolling each way on the Harbour Bridge and the tunnel.

That is why we ask these questions. It is the hubris of promising the world and not delivering while spending millions of dollars on multiple reviews. We know that Professor Allan Fels got business-class flights to Sydney and stayed at the Capella Hotel, charging the punters millions of dollars, to conduct a review from which we have not seen a skerrick of reform in this place or in this State. It is arrogant to come to this place and laud some toll review that has not delivered anything for anybody other than perhaps the former Minister, who might now also claim the toll relief.

## PSYCHIATRY WORKFORCE

**The Hon. MARK BUTTIGIEG (14:55):** I participate in the take-note debate, particularly with respect to the questions that were directed to the Minister regarding the dispute with the psychiatrists. The point was well made by my colleague the Hon. Emily Suvaal. It constantly amazes me that after two years opposition members keep litigating our record on industrial relations when we specifically went to an election to reward frontline

workers and public sector workers with wage rises, which they could never have hoped for under the previous Government. I have no issue with those opposite litigating the issue, but they should be throwing up an intellectual debate about policy positions. Those opposite only seem to be re-prosecuting their previous policy, which was, as members know, a wage cap that lasted 10 years.

Members opposite should be honest with the New South Wales public—and be honest with us. If they want to have a real debate about whether their policy is to perpetuate the previous decade of wage suppression, that is a valid policy position if that is what they believe in. It would accord with the principles of that conservative movement that sits opposite and represents those people. Or will they adjust their policy in line with the New South Wales electorate, who clearly elected us on a position whereby we restored the Industrial Relations Commission so that unions and the people that they represent have a valid clearing house where they can go for expedited action, as the Minister has outlined, when industrial action is not working for the State?

People get wage rises in the cut and thrust of an adversarial system that is brokered by industrial relations in the State system, or the Fair Work Commission in the case of Federal agreements. Do those opposite agree with that? Do they think our policy works for the benefit of those frontline workers? If they do not, because of an underlying philosophical difference about whether workers should be rewarded or not, then they should put the alternative policy platform and how their proposition would improve things if they were elected to government. Instead, they continue to come up with a hypocritical stance on disputes like the one with the psychiatrists, saying, "People are leaving the system because they are getting paid 30 per cent more in the private system," when they know very well that those people are much better off under our regime than they could have hoped for under theirs. Let us have the policy debate. I, for one, would like to know where members opposite stand and whether or not they have changed their position, or whether they will double down on their previous policy.

#### MINISTERIAL CAR USE

**The Hon. SCOTT FARLOW (14:57):** I take note of the answers given today by the Minister for Housing, particularly in response to my question about her use of a ministerial driver on her trip to Japan. As we have discovered, it was not related to her trip to Japan; it was actually on a trip to somewhere else prior to the start of her gazetted leave. The Minister has said to the press that the justification for the use of this ministerial driver at that time was that she was doing work in the car. I do not think it is a secret that the Minister lives fairly close to the airport. We are now to take the view that on that day—Boxing Day—there was such urgent work required that necessitated the Minister to use that car to take her to the airport on 26 December. That is what we have discovered in today's question time.

The Minister expressed how her excitement blinded her judgement with respect to the use of the ministerial vehicle in the Hunter, which was booked by the then Minister for Transport. This is not about being blinded by the excitement of a birthday or a surprise or something that she did not know about. This is about a conscious decision that the Minister made on 26 December, Boxing Day, to get a driver out of the pool the day after Christmas to take her to the airport on a holiday, which would have been prebooked, and that that was somehow a legitimate use of the entitlements of office. The trip from the Minister's place to the airport is a very short trip. To think that the trip necessitated the use of a driver to take the Minister on Boxing Day of all days beggars belief.

The question still remains: What was that urgent work on that day that necessitated the use of the driver? That is the standard that the Minister has set. I watched her press conference where she said that there are sensitive conversations that need to take place in a car like that. Who were those sensitive conversations with on Boxing Day on a very short trip that was so urgent, which were so essential that they required the use of that driver? To that point, when was that driver booked? Those are all questions the Minister will have to answer in the future. As the Hon. Walt Secord would have said, "This situation gets murkier and murkier."

#### TAKE NOTE OF ANSWERS TO QUESTIONS

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (15:00):** Welcome to the new year. Where to start with the first question time this year? The Opposition pursued probably what was familiar. Opposition members are very good at looking at what is in the media and then asking a variety of questions of varying levels of accuracy and accusation. I will say a couple of things relating to psychiatrists. Both the Minister and the Government have taken the issues with the psychiatrists in public hospitals extremely seriously. They are some of the most important health professionals. They are all important, but in terms of the most vulnerable people in our communities, who often are not able to access the private system, the public system in relation to psychiatric care is extremely important.

There have been ongoing discussions with the psychiatrists for many months. The Minister has been leading the discussions, but others have been involved; I was involved when I was Acting Premier for a period.



The point is that the State Government is not in a position to agree to a wage claim of 25 per cent for a range of reasons. The Government is very keen to help and provided a 4.5 per cent pay rise last year, which is more than those important workers have had for over 12 years of wage suppression by members opposite.

The issues in the mental health system are complicated for some of the reasons I have outlined. They have not happened overnight; they have happened over a really long period. Significant work is being undertaken with NSW Health and the ministry in collaboration with the college and the Australian Salaried Medical Officers' Federation to try to improve a range of systems that would release the burden of very overworked psychiatrists. No-one is denying that they are not in a tough spot.

The planning that has been done is absolutely necessary. No member on this side of the House is happy about the situation we are in. We are extremely grateful that through a lot of the discussions with those psychiatrists many of them have chosen to either defer their resignations or not resign from the system. They are committed workers doing important work who are dedicated to the public system. We are committed to continuing, and the Minister is very closely involved in reforming the system so that it can be improved.

We are trying to work through the issues through the right arbitration mechanisms that this Government has committed to and put in place so that we can have those conversations. All members are worried about the people who present to our health departments. Many of us have had direct experience of that with a loved one. The Government takes that very seriously and is trying to resolve it as quickly as possible. The Government is very grateful for the psychiatrists who have stayed in the system and we will continue to work as quickly as possible to resolve the matter.

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

**Motion agreed to.**

#### *Deferred Answers*

### **ENHANCED POLICE SUPPORT SCHEME**

In reply to **the Hon. DAMIEN TUDEHOPE** (12 November 2024).

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

I am advised:

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

### **ROADS PROJECTS AND INDUSTRIAL ACTION**

In reply to **the Hon. NATALIE WARD** (12 November 2024).

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

I am advised:

As at 25 November 2024, Transport for NSW and Sydney Metro have been impacted by a reported 143 cancellations across infrastructure projects throughout the State.

At this time, it is not possible to fully assess the total cost, while Transport for NSW and Sydney Metro continue to work with contractors to mitigate the impacts of these cancellations.

### **KATHLEEN FOLBIGG**

In reply to **the Hon. MARK BANASIAK** (12 November 2024).

**The Hon. DANIEL MOOKHEY (Treasurer)**—The Minister provided the following response:

Please refer to answer to Legislative Council Question Without Notice 268.

### **KATHLEEN FOLBIGG**

In reply to **the Hon. MARK BANASIAK** (12 November 2024).

**The Hon. DANIEL MOOKHEY (Treasurer)**—The Minister provided the following response:

I am advised:

- (1) Ex-gratia applications are not subject to statutory timeframes. However, Ms Kathleen Folbigg's application for an ex-gratia payment is receiving careful consideration and until this process has concluded it would not be appropriate for me to comment any further.
- (2) Ms Folbigg is updated through her legal representative by the Department of Communities and Justice when it is reasonably practicable to do so.
- (3) Ministers have a statutory power under section 5.7 of the Government Sector Finance Act 2018 to make an act of grace payment, also known as an ex-gratia payment. NSW Treasury Circular 22-01 governs act of grace payments having regard to the source of funding considerations.
- (4) It is a matter for the Attorney General, following consideration of legal advice, to decide whether to make an ex-gratia payment to Ms Folbigg.

#### KATHLEEN FOLBIGG

In reply to **Ms SUE HIGGINSON** (12 November 2024).

**The Hon. DANIEL MOOKHEY (Treasurer)**—The Minister provided the following response:

Please refer to answer to Legislative Council Question Without Notice 268.

#### HEALTH INFRASTRUCTURE AND INDUSTRIAL ACTION

In reply to **the Hon. AILEEN MacDONALD** (12 November 2024).

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources)**—The Minister provided the following response:

I am advised:

To date, there have been a number of scheduled outages on Health Infrastructure capital projects have been cancelled due to Electrical Trades Union Protected Industrial Action at both RPA and John Hunter hospital.

Health Infrastructure's contractors are working with electricity authorities to redesign around high voltage cables and are re-sequencing work so that electricity-associated work is not on the project's critical path. The majority of capital projects have been able to mitigate the impacts of these cancellations.

The industrial action is ongoing and the financial impact to Health Infrastructure projects is being assessed, but a total cost cannot yet be provided.

#### NSW POLICE FORCE FIREARMS PROCEDURES

In reply to **the Hon. MARK BANASIAK** (12 November 2024).

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

I am advised:

The NSW Police Force applies the relevant parts of the Firearms Act 1996, Weapons Prohibition Act 1998, Crimes (Domestic and Personal Violence) Act 2007 and Law Enforcement (Powers and Responsibilities) Act 2002, in circumstances where firearms are required to be seized. This includes situations where a firearms licence becomes expired, suspended, refused or revoked. Police may also seize firearms when attending to criminal matters such as domestic violence incidents or when it is necessary to do so to enforce firearms legislation. The circumstances under which a firearm is seized inform the police response. Levels of customer satisfaction are continually assessed to ensure public confidence is maintained through effective, consistent and efficient service delivery.

The standard operating procedure relating to the seizure of firearms are not for public release.

#### SOCIAL HOUSING AND ELECTRICAL TRADES UNION INDUSTRIAL ACTION

In reply to **the Hon. SCOTT FARLOW** (12 November 2024).

**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)**—The Minister provided the following response:

I am advised:

The ongoing protected industrial action by the Electrical Trades Union affecting the Endeavour Energy, Essential Energy and Ausgrid electricity networks has delayed planned electrical outages impacting the completion of the seven projects below. The revised expected completion dates are set out below.

Project	Electrical Distribution Company	Original completion date	Revised expected project completion (subject to completion of outages)
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Claymore Stage 11 subdivision works	Endeavour Energy	April 2024	April 2025
Airds/Bradbury Stage 9 subdivision works (Landcom)	Endeavour Energy	May 2024	January 2025
North Parade and Spring Street, Wagga Wagga	Essential Energy	August 2025	August 2025
Gover Street, Peakhurst	Ausgrid	December 2024	Early 2025
Cowper Street, Glebe	Ausgrid	June 2025	June 2025
Wave Street, Eden	Essential Energy	October 2024	December 2024
Manoora Avenue, Mt Austin	Essential Energy	July 2024	December 2024

### SOCIAL HOUSING AND ELECTRICAL TRADES UNION INDUSTRIAL ACTION

In reply to **the Hon. SCOTT FARLOW** (12 November 2024).

**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)**—The Minister provided the following response:

I am advised:

The ongoing protected industrial action by the Electrical Trades Union affecting the Endeavour Energy, Essential Energy and Ausgrid electricity networks has delayed planned electrical outages impacting the completion of the seven projects below. The revised expected completion dates are set out below and are subject to completion outages.

Project	Electrical Distribution Company	Original completion date	Revised expected project completion (subject to completion of outages)
Claymore Stage 11 subdivision works	Endeavour Energy	April 2024	April 2025
Airds/Bradbury Stage 9 subdivision works (Landcom)	Endeavour Energy	May 2024	January 2025
North Parade and Spring Street, Wagga Wagga	Essential Energy	August 2025	August 2025
Gover Street, Peakhurst	Ausgrid	December 2024	Early 2025
Cowper Street, Glebe	Ausgrid	June 2025	June 2025
Wave Street, Eden	Essential Energy	October 2024	December 2024
Manoora Avenue, Mt Austin	Essential Energy	July 2024	December 2024

### NURSE WORKFORCE

In reply to **Dr AMANDA COHN** (12 November 2024).

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources)**—The Minister provided the following response:

I am advised:

From June 2023 to June 2024, the nursing and midwifery FTE workforce increased by 3.7 per cent or over 2,000 FTE, from 54,540 to 56,549 FTE. Over that same period, overtime worked by nurses and midwives fell by the equivalent of 130 FTE. Part of this drop in overtime is the result of an increase in the headcount of nurses and midwives by 4.6 per cent or nearly 3,000 from 64,596 in June 2023 to 67,594 in June 2024.

### WILDLIFE SAFETY AND ROADS

In reply to **the Hon. NATALIE WARD** (12 November 2024).

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

I am advised:

The most recent advice from Lendlease is that the permanent fencing and koala grids will be completed by early 2025 and the underpasses will be completed by mid-2025.

#### NSW POLICE FORCE WAGES

In reply to **the Hon. ROD ROBERTS** (13 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:

No positions have been quarantined to pay for the new police award offer.

#### RAIL SAFETY

In reply to **the Hon. NATALIE WARD** (14 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:

Suburban drivers maximum kilometres is 217 and Intercity drivers maximum kilometres is 370. Any impacts to the transport system will be managed on a case-by-case basis.

#### RAIL SAFETY

In reply to **the Hon. NATALIE WARD** (14 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:

Any impacts to the transport system will be managed on a case-by-case basis.

#### PORT OF NEWCASTLE PROTESTS

In reply to **the Hon. DAMIEN TUDEHOPE** (14 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:

On the weekend of 23 to 24 November 2024, 20 bulk carrier movements into and out of the Port of Newcastle were completed.

#### ANTI-DISCRIMINATION LEGISLATION REVIEW

In reply to **the Hon. TANIA MIHAILUK** (14 November 2024).

**The Hon. DANIEL MOOKHEY (Treasurer)**—The Minister provided the following response:

I am advised:

The NSW Law Reform Commission is undertaking a comprehensive review of the Anti-Discrimination Act 1977.

The terms of reference of the review require the Law Reform Commission to consider, among other things whether the Act could be modernised and simplified to better promote the equal enjoyment of rights and reflect contemporary community standards, and exceptions, special measures and exemption processes.

More information on the review is available at <https://lawreform.nsw.gov.au/current-projects/anti-discrimination-act-review.html>.

The New South Wales Government will consider the final report of the review when complete.

#### RACING NSW

In reply to **the Hon. MARK LATHAM** (14 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 Australian Taxation Office [ATO] is responsible for the administration of Australian Government taxation matters, including in relation to allegations about JobKeeper payments and fringe benefits taxation. Any allegations in relation to alleged non-compliance should be referred to the ATO.

NSW Police Force is responsible for concerns or allegations relating to covert or illegal use of surveillance devices. Any allegations should be referred to NSW Police Force.

### **LITHGOW SMALL ARMS FACTORY MUSEUM**

In reply to **the Hon. SAM FARRAWAY** (14 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:

The State Government is currently limited in its ability to provide assistance to Lithgow Small Arms Factory Museum to address security issues at its facilities because the site where it operates is privately owned.

I am advised that Museums & Galleries of NSW is currently providing expert advice and assisting the Lithgow Small Arms Factory Museum.

Once there is an agreed way forward between the museum and property owner on the security upgrades, the museum can explore assistance offered by New South Wales Government at: <https://www.nsw.gov.au/grants-and-funding>.

My office has been in contact with the museum and wrote to its representative in November this year to assist where possible.

### **GOODS AND SERVICES TAX DISTRIBUTION**

In reply to **the Hon. JOHN RUDDICK** (14 November 2024).

**The Hon. DANIEL MOOKHEY (Treasurer)**—The Minister provided the following response:

I am advised:

There is insufficient information to determine the amount of GST raised from consumers in different locations.

### **RENTAL MARKET**

In reply to **the Hon. SCOTT FARLOW** (14 November 2024).

**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)**—The Minister provided the following response:

I am advised:

As of 30 June 2024, there were no two-bedroom properties managed by Homes NSW in the Sydney Housing District, with a market rent of \$200 or less.

As of 30 June 2024, there were 10,501 subsidised tenancies managed by Homes NSW in the Sydney Housing District, where the tenant was paying \$200 or less per week.

### **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:

Yes.

### **CENTRAL WEST FLOODING ASSISTANCE**

In reply to **the Hon. SCOTT BARRETT** (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:

- (1) The New South Wales Government in January 2024 announced \$100 million Central West Recovery and Resilience Package - focused on the Cabonne, Forbes, Parkes and Lachlan LGAs. This funding includes:
  - \$40 million Resilient Housing Program - Central West
  - \$2 million community consultation program to inform the design of the Resilient Housing Program
  - \$25 million Central West Community Asset Program

- \$32 million Regional Transport Resilience Fund
- \$1 million Legal Assistance

The New South Wales Government will continue to work with the local communities to deliver practical action on the ground to help people get back on their feet.

#### WATER MANAGEMENT

In reply to **Ms CATE FAEHRMANN** (19 November 2024).

**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)**—The Minister provided the following response:

I am advised:

A specific purpose access licence has existed in the Murrumbidgee Regulated River Water Source since May 2005, for varying shares and held by different entities.

The first of such licences was held by Nari Nari Tribal Council Ltd on a temporary basis to provide Aboriginal people with access to water for cultural purposes as an interim measure until such time as the Murrumbidgee Aboriginal Reference Group become incorporated and was able to take control of the whole volume.

In August 2011, 2,150 shares were transferred to the Murrumbidgee Catchment Management Authority [CMA] as custodians for the Aboriginal Reference Group. Riverina Local Land Services [LLS] took over many functions of the CMA in 2014 and has been the holder of the current licence (WAL 27141) since that time.

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

In reply to **the Hon. DAMIEN TUDEHOPE** (20 November 2024).

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

I am advised:

Please see the response to the Hon. Damien Tudehope's written supplementary question asked on 20 November 2024 and submitted on 21 November 2024.

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

In reply to **the Hon. DAMIEN TUDEHOPE** (20 November 2024).

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

I am advised:

Please refer to the *Hansard* of question time in the Legislative Assembly on 21 November 2024.

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

In reply to **the Hon. SARAH MITCHELL** (20 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:

As a result of proceedings in the Fair Work Commission and the Federal Court of Australia in December 2024, the New South Wales Government does not anticipate service disruptions on the intercity network as a result of the bans formerly notified by the Rail, Tram and Bus Union [RTBU].

#### ABORTION SERVICES

In reply to **Dr AMANDA COHN** (20 November 2024).

**The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources)**—The Minister provided the following response:

The NSW Health Policy Directive Framework for Termination of Pregnancy in New South Wales (PD2021\_18) outlines the legal framework for the Abortion Law Reform Act 2019 and associated legislation in relation to termination of pregnancy in New South Wales. The Policy Directive is available on the NSW Health website.

The policy does not make it mandatory for NSW Health services to provide abortion services. If termination services are not provided, the policy requires that referral pathways are in place to ensure women have timely access to care.

Earlier this year, I asked the NSW Ministry of Health to consult with all local health districts and non-government and private service providers and professional bodies about access to abortion care and assess options to improve equitable access and pathways to care. This work is in progress.

### SYDNEY SCIENCE PARK

In reply to **the Hon. MARK LATHAM** (20 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 former New South Wales and former Australian Governments jointly committed \$11 billion to the delivery of Sydney Metro - Western Sydney Airport in 2020 based on the Final Business Case completed in 2019.

Station locations were selected on their merits, taking account of development potential and physical and planning constraints.

### FIREARMS REGISTRY

In reply to **the Hon. MARK BANASIAK** (21 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:

Technical determinations of a firearm that fall within Schedule 1 [7] of the Firearms Act 1996 (the Act) are based on design and function. The NSW Police Force [NSWPF] Firearms Registry relies upon the expertise of the NSWPF Forensic Evidence and Technical Services Command, Ballistics Investigation Section [BIS] for appearance-based categorisation of firearms.

The process commences with the comparison of a subject firearm with any fully automatic firearm (machine gun or sub-machine gun), centre-fire self-loading military rifle or any self-loading military shotgun. This comparison is not made on function or "kind" but is an unbiased assessment on whether the subject firearm substantially duplicates in appearance the type of firearm it is being compared to. As firearms are available in a wide range of colours and variety of materials, colour and texture are not relevant to this determination.

All determinations are made by BIS experts and must be agreed upon by a minimum of two qualified BIS. experts. The objective of performing technical determinations is to clinically classify an item to the requirements of the Act, which is clear and provides the legislative elements upon which such determinations are made. Ballistic experts are bound by the Expert witness code of conduct in Schedule 7 of the New South Wales Uniform Civil Procedure Rules 2005 and the BIS laboratory and team are bound by NATA accreditation to ISO 17025.

Determinations have been tested in the NSW Civil and Administrative Tribunal [NCAT] and the methods used by BIS in such determinations according to the current "appearance laws" have been ratified by the NSW Crown Solicitors Office.

The Firearm Classification Working Party comprises representatives from the Firearms Registry, BIS, firearm industry peak associations, major New South Wales and national manufacturers, and firearm importers. The working party will continue to explore concerns raised in relation to Item 7 of Schedule 1 of the Act.

### GREAT KOALA NATIONAL PARK

In reply to **Ms SUE HIGGINSON** (21 November 2024).

**The Hon. DANIEL MOOKHEY (Treasurer)**—The Minister provided the following response:

The New South Wales Government will finalise details of the Great Koala National Park, the timing of its delivery, and a transition package following comprehensive assessment, consultation, and expert advice. This is still underway.

The Government will make an announcement once all information has been considered.

### *Written Answers to Supplementary Questions*

### STATE ECONOMY

In reply to **the Hon. MARK LATHAM** (21 November 2024).

**The Hon. DANIEL MOOKHEY (Treasurer)**—The Minister provided the following response:

I refer to my answer on 20 November 2024. In current prices, that is nominal GSP, New South Wales was the third fastest growing State at 5.3 per cent in 2023-24, behind Victoria and South Australia at 5.9 per cent. Australian Capital Territory grew by 8.2 per cent.

Using chain volume measures, New South Wales was the equal fourth fastest growing State last financial year, with real GSP increasing by 1.2 per cent. The Tasmanians did beat us by 0.2 per cent, and the Territories outperformed all States.

New South Wales remains a key driver of economic activity in this country. GSP rose by \$9.5 billion in 2023-24. That makes it the second largest contributor to Gross Domestic Product behind Queensland, which increased by \$10.7 billion.

**GREAT KOALA NATIONAL PARK**

In reply to **Ms SUE HIGGINSON** (21 November 2024).

**The Hon. DANIEL MOOKHEY (Treasurer)**—The Minister provided the following response:

The New South Wales Government will finalise details of the Great Koala National Park, the timing of its delivery, and a transition package following comprehensive assessment, consultation, and expert advice. This is still underway.

The Government will make an announcement once all information has been considered.

**The DEPUTY PRESIDENT (The Hon. Rod Roberts):** I shall now leave the chair. The House will resume at 4.00 p.m.

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

**The Hon. PENNY SHARPE:** On behalf of the Hon. Tara Moriarty: I postpone Government business notice of motion No. 2 until the next sitting day.

**Ms CATE FAEHRMANN:** I postpone business of the House notice of motion No. 1 until Thursday 13 February 2024.

*Ministerial Statement***ANTISEMITISM**

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (16:25):** I make a ministerial statement on the shameful rise of antisemitism in New South Wales. Over summer we witnessed scenes of depravity and hatred that many of us thought we would never see in this State: a holy synagogue desecrated by the swastika; a childcare centre set on fire; and Nazi slogans, copied from the darkest pages of history, spray-painted across Jewish property. They are cowardly acts conducted under the cover of darkness, designed to bully, intimidate and threaten the Jewish people of New South Wales.

We come together as a Parliament, as a State, to unequivocally condemn those hateful crimes. Those attempts to intimidate the Jewish community in New South Wales will fail. They will fail because the Jewish community is strong and our community as a whole is strong. They will fail because our Jewish friends have an entire State behind them, with the resources, laws and solidarity needed to destroy the poison of antisemitism wherever it takes root. The Jewish people of New South Wales are proud, but they are understandably exhausted. As one parent told the media earlier this month:

I'm just tired. I just want it to stop. I am sick of waking up to find out something else has happened.

Some of the stories will break your heart. Schoolkids are now afraid to wear their uniforms in public. Parents have started driving their kids around so that they do not have to catch the bus anymore. The stories that we continue to hear from the Jewish community in New South Wales are harrowing. As another Jewish parent said after the attacks in Maroubra:

Today we have to walk our children into school knowing that people hate us and hate the children enough to create that kind of fear. It's a horrible environment in what should be a beautiful day of my kids starting school and enjoying seeing their friends again.

We will not be a State where someone feels like they have to remove their yarmulke just to walk down the street, or where people are made to hide their heritage because of the ignorance and bigotry of someone else. New South Wales will not be a place where the bullies are allowed to win. In response to the appalling attacks, the Attorney General will introduce new laws that target that kind of antisemitism and racial hatred in the community. The laws will send the clearest possible message: Those crimes have no place in our community. If one is going to commit those crimes, if they are thinking about spreading racial hatred on our streets, then they will face severe penalties in this State.

The changes include a new criminal offence for intentionally inciting racial hatred, with a maximum of two years imprisonment; a new offence targeting the display of Nazi symbols on or near a synagogue, with an increased maximum penalty of two years imprisonment; an amendment to the Graffiti Control Act 2008 to create an aggravated offence for graffiti on a place of worship; and a new offence to stop people from intentionally blocking access to places of worship without reasonable excuses or from harassing, intimidating and threatening people accessing those places of worship. We are backing those laws in with more funding for the hate crime unit in the NSW Police Force and with more training and support for local councils. They are strong laws with real resources behind them because the attacks must stop. It is important to note that while they have been drafted in response to acts of antisemitism, they will apply to anyone preying on any person of any religion. If you are going



to get involved in this kind of behaviour, the police will track you down. They will find you, and you will be punished.

The Government also acknowledges some of the frustration and impatience within the Jewish community. One public act of antisemitism is too many; a summer of rolling offences like this is intolerable. When we say that we are hunting down the perpetrators, they are not empty words. Strike Force Pearl is targeting these criminals and has doubled the number of detectives on the case from 20 to 40. Twelve people have been arrested and charged, and many more are being pursued. But we know we are not being judged by the laws we pass or the taskforces we establish. We are being judged by the crimes we stop and the safety people feel in their communities. We are working hard, and we are doubling down. We will not stop until these racist crimes of hatred end in New South Wales.

For as long as modern Australia has existed, Jewish people have made a home in New South Wales. In 1788 there were eight Jewish convicts on the First Fleet. They were victims of poverty in East London, not unlike later Jewish migrants who were fleeing pogroms in Eastern Europe, and those who settled here after the great evil. Generations of Jewish people have come to Australia seeking a better life. This would be a country that accepts and celebrates this ancient and important religion, a place where this community could live and prosper in peace. In the 1860s a famous Rabbi travelled to Australia from Jerusalem—Rabbi Jacob Levi Saphir—and was amazed at what he found. He said:

There is no discrimination made between nation and nation. The Jews live in safety, and take their share in all the good things of the country. In this land, they have learnt that the Jews also possess good qualities, and hatred towards them has entirely disappeared here.

For hundreds of years New South Wales has offered a safe haven to men and women of this religion, which makes the revival of this hatred so upsetting. We work together, we send our kids to the same schools and we live side by side. This goes beyond politics to who we are. In New South Wales we are not people who will ever harbour the poison of antisemitism. As a State, as a community and as a people, we will do what is needed to stamp out this ugly hatred and to end this shameful chapter of our history.

**The Hon. DAMIEN TUDEHOPE (16:31):** I join the Leader of the Government in the condemnation of antisemitism, which has been so on display in recent times. Antisemitism—the hatred of the Jewish people—is sui generis. It stands on its own and should not be conflated with other matters. Of course, I acknowledge that antisemitism may share features with other forms of religious persecution, of racism or of discrimination. However, when someone refuses to ever condemn antisemitism forthrightly without a mandatory parallel condemnation, say, of Islamophobia, or to protect the Jewish community from vile antisemitic acts without including LGBTI+ protections as well, then that is a profound failure to discern the unique nature of antisemitism.

Antisemitism is an ugly phenomenon that has taken many forms over the millennia. The Jewish people still thank the almighty in their annual festivals of Passover, Purim and Hanukkah for their delivery by Moses from slavery, by Esther from the genocide plotted by Haman under the Persian Empire and by the Maccabees from religious suppression under the Seleucids. There were times during the Christian Middle Ages when the Jewish minority was taken as a scapegoat and became the victim of violence, looting and massacres. At the Western Wall in Jerusalem in the year 2000, Pope John Paul II placed this prayer expressing repentance on behalf of Christians who had persecuted Jews:

We are deeply saddened by the behaviour of those who in the course of history have caused these children of yours to suffer, and asking your forgiveness we wish to commit ourselves to genuine brotherhood with the people of the Covenant.

Antisemitism took a new form under Hitler's Nazi regime, resulting in the murder of six million Jews in the Shoah. Hitler's aim, like that of Haman before him, was the complete extinction of the Jewish people. The Grand Mufti of Jerusalem, Hitler's ally, urged Arabs in 1944 to:

Kill the Jews wherever you find them. This pleases God, history and religion.

One of the final waves of persecution unleashed by Stalin before his death, targeted originally at Jewish doctors, was spreading more widely and only stopped by his death. Khrushchev reported Stalin as saying to him:

The good workers at the factory should be given clubs so they can beat the hell out of those Jews ...

It is clear that antisemitism cannot be reduced to a right-wing, fascist or Neo-Nazi phenomenon. Indeed, today it is most often manifest among allegedly left sympathisers. The antisemitism embedded in Hamas was made visible in all its horror on 7 October 2023 and its aftermath. The murder, sexual assault, mutilation and kidnapping of peaceful Jews participating in a music festival deserves unreserved condemnation. Those who call for the annihilation of the State of Israel "from the river to the sea", and those who ignore the events of 7 October, are antisemites. It is one thing to criticise particular policies or military actions of Israel; it is antisemitism to call for its annihilation or find excuses for Hamas terrorism in its alleged failings.

Antisemitism in New South Wales was given a new lease of life by the abject failure of the Government to prevent those who wanted to celebrate the murders and rapes of Jews on 7 October from assembling at the Opera House while members of the Jewish community were advised to stay home. The Premier, to his credit, has been working hard to suppress the resulting wave of antisemitic acts that has flourished since then. The Opposition is united with all those who unashamedly and unreservedly condemn antisemitism in all its forms. Never forget, never again.

#### *Committees*

### **PORTFOLIO COMMITTEE NO. 6 - TRANSPORT AND THE ARTS**

#### **Membership**

**The PRESIDENT:** I inform the House that, following the resignation of the Hon. Sam Farraway, the Clerk received correspondence on 11 December 2024 from the acting Leader of the Opposition advising of the following changes to the membership of the committee:

The Hon. Wes Fang in place of the Hon. Sam Farraway.

### **STANDING COMMITTEE ON STATE DEVELOPMENT**

#### **Membership**

**The PRESIDENT:** I inform the House that, following the resignation of the Hon. Sam Farraway, the Clerk received correspondence on 11 December 2024 from the acting Leader of the Opposition advising of the following changes to the membership of the committee:

The Hon. Wes Fang in place of the Hon. Sam Farraway.

### **PUBLIC ACCOUNTABILITY AND WORKS COMMITTEE**

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

**Ms ABIGAIL BOYD:** According to paragraph (8) of the resolution establishing the Public Accountability and Works Committee, I inform the House that on 25 November 2024 the committee resolved to extend the reporting date for its inquiry into Western Sydney Science Park and Aerotropolis developments to 28 March 2025.

#### *Personal Explanation*

### **PAULINE HANSON'S ONE NATION**

**The Hon. TANIA MIHAILUK (16:37):** By leave: I wish to make a personal explanation. I notify the House that on 20 December 2024 I contacted the NSW Electoral Commission, you, Mr President, and the Clerk to advise of my resignation from Pauline Hanson's One Nation party. I indicate to the House that I will remain as an Independent for the remainder of my term.

**The PRESIDENT:** I table correspondence received on Friday 20 December 2024 from the Hon. Tania Mihailuk advising that she has resigned from Pauline Hanson's One Nation and that she is now an Independent member.

#### *Bills*

### **HOUSING AMENDMENT BILL 2025**

#### **First Reading**

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

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

**Statement of public interest tabled.**

#### **Second Reading Speech**

**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) (16:39):** I move:

That this bill be now read a second time.

The Government is pleased to introduce the Housing Amendment Bill 2025. The bill will amend the Housing Act 2001 to give the Minister for Housing the same functions as the Land and Housing Corporation [LAHC] under the Act and under other laws, including to acquire, hold and deal with property consistent with the objects of the Housing Act. The bill represents the next logical steps in the delivery of the New South Wales Government's

commitment to build 8,400 new social homes and 21,000 new affordable and market homes as part of our Building Homes for NSW program. Since taking office in 2023, our Government has focused on reducing the impact of the housing crisis, which was created by those opposite, to ensure that more people in New South Wales have a roof over their heads. We established Homes NSW one year ago. It is an agency dedicated to delivering new homes for those in need and providing a harmonised social and affordable housing service to drive better long-term outcomes for our tenants.

It is worth noting what this bill is not. This amendment bill will not create another layer of bureaucracy or duplicate the Land and Housing Corporation. The Land and Housing Corporation will remain a statutory body for accounting purposes but, operationally, it will remain under the clear direction of the Homes NSW CEO and the Minister for Housing, and it will deliver more and better social housing for New South Wales. We always knew that setting up a new agency was only one part of the job. The next part was our record-breaking \$6.6 billion investment in social housing. We are funding thousands of new social and affordable homes, repairing and making habitable thousands more public and Aboriginal social homes, boosting homelessness support services, and delivering significant uplift in market and affordable housing.

Making this change to the Housing Act enables the Minister to direct government resources to build more social housing. This year we are on track to deliver 850 new social homes as part of year one of the Building Homes for NSW program. There will be more social housing built every year for the next 10 years as a result of our investment on behalf of the people of New South Wales. Whether it is a working family who cannot find an affordable rental, a young woman trying to escape domestic violence or one of the over 2,000 people who found themselves sleeping rough in 2024, the housing crisis has had a devastating impact on people in this State. Social housing is essential to the solution to that crisis. This is public infrastructure, and our Government made the historic decision to invest capital to deliver housing on behalf of the people of New South Wales as a direct effort to confront the housing crisis.

We cannot confront the housing crisis, solve homelessness or reduce the social housing waiting list or wait times without more social housing. That social housing costs money, and our Government recognises that putting that money into building those homes is part of the obligation that we have to serve the people of New South Wales and ensure that they have the infrastructure they need to live happy and fulfilling lives. The Housing Act Amendment Bill represents the administrative embodiment of the ambition of the Minns Government to create more public infrastructure, which is public housing. It unlocks \$4 billion of investment, which was committed to in the 2024-25 budget, and provides a direct line of responsibility to the Minister for Housing for the delivery of new social and affordable homes.

I will touch on the details of the bill. The substantive amendments to the Housing Act are set out in item [4], schedule 1 to the bill. Item [4] inserts proposed part 4, division 6 into the Act to give the Minister express powers to deal with property, including to purchase, hold, lease or dispose of property, to acquire land in accordance with the terms of the Land Acquisition Just Terms (Compensation) Act, and to accept gifts of property or the surrender of land. Proposed section 35F in proposed part 4, division 6 gives the Minister the same functions as the Land and Housing Corporation under relevant legislation. That legislation includes the Housing Act, the Environmental Planning and Assessment Act, the Residential Tenancies Act and any regulation or subordinate instruments made under these, and other laws that relate to the Land and Housing Corporation.

That means that where the Land and Housing Corporation has a power, duty or authority to make decisions or take particular action, the Minister will have the equivalent power, duty or authority, including under planning legislation. References in provisions in relevant legislation to the functions of the Land and Housing Corporation, however it is described, will be extended to the Minister for Housing unless otherwise specified in the Act or the regulations. To be clear, the planning powers and functions that the Land and Housing Corporation has under part 5 of the Environmental Planning and Assessment Act and under planning instruments will apply to the Minister. Equally, the planning decisions or actions that the Land and Housing Corporation can take or must comply with will also apply to the Minister.

Similarly, by operation of section 35F, references to the Land and Housing Corporation in the Residential Tenancies Act will be read also as references to the Minister for Housing. Like the Land and Housing Corporation, the Minister will be a social housing provider and will be able to enter into social housing tenancy agreements. Proposed section 35G provides for the transfer of assets, rights and liabilities between the Minister and other government agencies by agreement, through the making of a transfer order by the Minister. This is a commonly used mechanism that has similar precedents in several pieces of New South Wales legislation. It enables transfers of land between government agencies to be achieved quickly and efficiently, and at significantly lower cost to taxpayers. The details of how these transfer orders will operate are set out in item [7] of schedule 1 to the bill, which inserts new schedule 2A into the Act.

Among other things, new schedule 2A details when a transfer order takes effect, what the effect of a transfer order is, that a transfer order can be made for value, and that it can specify the terms and conditions of the transfer. Importantly, at proposed section 35A the bill provides that the Minister must not exercise any of the functions conferred on the Minister by the bill unless for a purpose consistent with the objects of the Act. The objects of the Act include maximising opportunities for people in New South Wales to have access to secure, appropriate and affordable housing, and to ensure that public and community housing reflects contemporary housing standards.

Item [6] of schedule 1 allows the Minister to delegate the Minister's functions to employees of the department or to the corporation, and allows a delegate to sub-delegate when authorised to do so. Items [1], [3] and [5] of schedule 1 make minor changes to the Act. They update references to relevant departments to reflect current administrative arrangements. Item [2] of schedule 1 amends the definition of "public housing" so that any land that is owned or leased by the Minister comes within the definition of public housing. The bill does not affect the functions of the Land and Housing Corporation. LAHC will continue to deliver services to many thousands of households, while also revitalising over 30,000 social homes.

By providing these powers to the Minister for Housing, we are supporting the implementation and delivery of the Building Homes for NSW program, which will deliver 8,400 new social homes and 21,000 new affordable and market homes over the coming years. In doing so, it will support our election commitment to establish Homes NSW as a single point in the Government to drive the delivery and management of social housing. It will also support our record Homes for NSW budget investment, which will boost the supply of social and affordable homes, as we committed to doing last year. We have heard consistently from our stakeholders—the social housing and homelessness sectors, and people living in social and private rental housing—that housing affordability and availability is the biggest pressure facing people in New South Wales.

As I have said before, confronting the housing crisis requires a comprehensive plan. By funding new social homes and homelessness support services, we are assisting our most vulnerable whilst alleviating pressure on private market housing. The Building Homes for NSW program includes the largest investment in social housing in New South Wales history. This once-in-a-generation program will build thousands of homes across our State to confront the housing crisis and rebuild our public housing system after a decade of neglect. This bill may seem administrative in nature, but it is the natural next step in that journey.

The views and advice of New South Wales government stakeholders were canvassed and incorporated into the bill, across a range of departmental and regulatory functions, and I thank those who contributed to the preparation of the bill. The passage of the legislation is essential to ensure that Homes NSW has the power it needs to most quickly, efficiently and effectively deliver on our budgetary commitment to build thousands more social homes in New South Wales. I commend the bill to the House.

**Debate adjourned.**

## **PROTECTION OF THE ENVIRONMENT LEGISLATION AMENDMENT (FOGO RECYCLING) BILL 2024**

### **Second Reading Debate**

**Debate resumed from 21 November 2024.**

**The Hon. NATALIE WARD (16:49):** I lead for the Opposition in this place in debate on the Protection of the Environment Legislation (FOGO Recycling) Bill. I thank my colleague in the other place the shadow Minister for Energy, Climate Change and Environment, James Griffin, who is a warrior for the environment and someone who genuinely cares. He is not such a great surfer but is a great shadow Minister. I will keep my comments brief to allow him to properly provide the Coalition position. Each year in New South Wales, households and businesses generate around 1.7 million tonnes of food organics and garden organics [FOGO] waste, and most of this material is collected in red-lid rubbish bins and sent to landfill. I live in the Northern Beaches, where the so-called Independent and teal councillors have made the rates bigger and the bins smaller. That is just a fact.

We need to address this pressing issue because Greater Sydney is facing a waste management crisis, with projections indicating that landfill capacity will be exhausted by 2030 if urgent action is not taken. This shortage threatens to escalate waste management costs for households and businesses, as waste may need to be transported to regional areas or even interstate for disposal. This problem will also impact the development of critical infrastructure, including housing projects essential for the State's growing population. The Coalition Government set an ambitious target of 80 per cent recycling in New South Wales by 2030. We led the way on that ambitious target. Additionally, the Coalition Government pulled together department heads to consider a holistic waste infrastructure plan, and we are pleased to see that consultations with industries and councils are underway.

An important aspect of dealing with the waste crisis is the implementation of mandates to phase in the separation of food organics and garden organics, also known as FOGO, at the source, for businesses and households. This is also a cost-of-living issue, with the landfilling of organic waste attracting the waste levy, which increases the cost to households and businesses to dispose of a material that is otherwise recoverable and recyclable. In a cost-of-living crisis, we support this initiative.

I turn to the legislation. The bill seeks to amend the Protection of the Environment Operations Act 1997 to provide for mandates for the source-separated collection of food organics and garden organics waste from households and businesses, including by requiring:

- (a) supermarkets, various institutions and hospitality premises that meet specified bin capacity limits to ensure the separate collection and transport of food organic waste from 1 July 2026;
- (b) local councils to separately collect and transport FOGO waste from households that receive a residual waste collection service from 1 July 2030; and
- (c) large supermarkets reporting monthly on surplus food donations from 1 July 2026.

Importantly, the implementation has a long lead time, and so we agree with the Government that the bill takes a balanced approach to regulation by gradually implementing the mandates. It is important to recognise that not all councils and areas of New South Wales will be able to implement this and therefore the provision for exemptions is important, and we support it. I note that the bill is a result of many recommendations from a range of strategies and extensive consultation; however, a number of concerns have been raised by local governments and Local Government NSW specifically. I understand that some possible amendments put forward by Local Government NSW will be addressed in the other place.

In conclusion, we place on record our serious concerns about the potential for cost shifting to the local government sector in the implementation of this scheme. Already many councils deliver the service; however, for those who are not yet at the level of sophistication to deliver the service, the appropriate support—whether financial or educational—needs to be provided by the Government. There can be no doubt that this Government is under serious pressure to find solutions to a very real waste crisis facing the State. We will not stand in the way of sensible policy, and we encourage the Government to look at all waste streams and how they can be better managed. We support the bill.

**Dr AMANDA COHN (16:54):** The Greens support the Protection of the Environment Legislation Amendment (FOGO Recycling) Bill 2024. We are in a waste and climate crisis, and we need every level of government to act urgently to reduce our emissions and landfill, as we transition to a truly circular economy. Methane from organic waste in landfill is a considerable and avoidable source of emissions. Our food and garden organic waste generates methane as it decomposes. While fugitive emissions from coal, gas and agriculture far exceed those produced by organic waste in landfills in New South Wales, every tonne of organic waste diverted from landfill prevents an estimated 1.5 tonnes of carbon dioxide equivalent emissions. Methane traps 85 times more heat than the equivalent amount of carbon dioxide over a 20-year period. The Federal Government has committed to cutting methane emissions by 30 per cent by 2030. The collection and recycling of food and garden organic material, or FOGO, for productive use is critical climate action.

The bill mandates source-separated collection of food and garden organic waste from households and businesses in New South Wales over the coming five years. Of course, The Greens support this. At the current rate of waste generation, Greater Sydney and some regional areas are projected to run out of landfill capacity by 2030, if not earlier. On average, food waste makes up an avoidable third of the material in household red bins in New South Wales. Most of the 1.7 million tonnes of food and organic waste generated each year is landfilled, despite the potential for FOGO waste to be recovered for beneficial use, such as high-value compost for industries such as agriculture. It is estimated that these mandates, when the rollout is complete, will divert almost 950,000 tonnes of FOGO waste each year from landfill.

The mandate will apply to large supermarkets with a retail floor area of over 1,000 square metres, as well as organisations and hospitality businesses that meet the specified bin capacity thresholds, from July 2026. Businesses will be phased in to the mandate in stages, based on the capacity of their weekly residual waste bin in 2028 and then 2030. Large supermarkets will need to record and report monthly on surplus food donations to improve transparency and reduce food waste. For households, local councils that provide a residual waste collection service must collect and transport FOGO waste separately from 1 July 2030. There is appropriate flexibility in collection methods, allowing for councils to choose whether to collect food and garden organics together or separately.

Kerbside FOGO collection already exists in 57 of the 128 local government areas in New South Wales. I recognise and commend the excellent work of many Greens councillors who led the way on FOGO implementation for their local communities, well ahead of the statewide mandate before us today. In some

areas, such as Wollongong, Lismore and my own community of Albury, this has been a huge success. Before I was elected to the council, Albury was facing the serious problem of a landfill that was rapidly running out of space. The financial and environmental impacts of a new landfill are extreme. Our regional community, through a collaboration of five councils, set the ambitious goal of diverting 50 per cent of its waste from landfill by 2020. The program has been so successful that in 2023 a new goal was set of 80 per cent diversion by 2030.

This transition took time. Significant resources were invested in education to support households to do the right thing. Red bins do smell when they are collected only fortnightly and food organics are not separated correctly, and FOGO bins get contaminated. Households using nappies or producing medical waste need particular support. This work is ongoing, and at our waste management centre we have a fantastic education facility that is worth a visit. But, nearly 10 years on, most Albury residents do not realise that the rest of the State has not caught up yet, and we are so used to separating our organic waste that it is challenging to travel elsewhere in New South Wales and put our organics in the red bin, when we know they should not be landfilled.

The Halve Waste program set the benchmark for organics collection, with a contamination rate of just 0.8 per cent. However, in other areas, such as the inner west of Sydney, unfortunately poor implementation has led to community pushback. It will be a real challenge to win back the trust of communities who have faced poor communication or not having their bins picked up when they are supposed to. Councils in New South Wales are already under serious financial stress due to years of cost shifting by the State Government and rate pegging that has not kept up with the cost of providing essential services. Councillors representing a broad range of communities have raised with me their concerns for a mandatory FOGO service that will require significant investment in bins, collections, staff and processing facilities, as well as ongoing programs of community education and behaviour change.

The State Government collects a waste levy that is not entirely spent on waste processing, and for many years Local Government NSW has called for the return of 100 per cent of the waste levy to councils for waste projects. One of the first questions I asked the newly elected Minns Labor Government in May 2023 was whether the new Minister would commit to spending waste levy revenue on waste projects and improving recycling facilities. I understand that the Minister has committed to providing financial support for community education. This is welcome and important. I believe that the Minister and the Environment Protection Authority understand that the success of this program will depend on education and support for communities and councils to get this right, not on a punitive approach.

The Greens will hold the Government to account to ensure that councils are adequately supported and that the announcements slated for the coming weeks are actually sufficient. The local government sector is asking that regions of councils be funded to develop and implement regional waste plans for the future of waste and resource recovery in their regions; that the New South Wales Government fund the delivery of priority infrastructure and other projects procured by local government that are needed to deliver the regional-scale plans, particularly where there is market failure identified in those regional plans; and for the New South Wales Government to offset the full costs of implementing mandated FOGO services. This important reform must not become yet another cost-shifting exercise onto local government.

The bill includes reasonable and flexible exemptions for geographic areas and for building types where FOGO collection is not practicable or efficient. This is sensible. The emissions saved by collecting household FOGO in unincorporated western New South Wales, as one obvious example, would be more than offset by the emissions involved in transport and processing. The presence and risks of contamination with per- and polyfluoroalkyl substances and related chemicals in FOGO waste streams and their resulting compost products is a very live concern. PFAS is commonly found in compostable packaging, and it poses long-term environmental and human health risks due to its persistence and bioaccumulation. We already know from areas with existing FOGO collection services that the PFAS and other chemicals in compostable packaging have restricted processing and that contamination compromises the safety and quality of resulting compost.

In response to the New South Wales Government's consultation on its proposed FOGO mandates and through the Select Committee on PFAS Contamination in Waterways and Drinking Water Supplies Throughout New South Wales, chaired by my colleague Ms Cate Fachrmann, witnesses have called for urgent and specific government action to address PFAS contamination from products that would compromise the safety of compost from FOGO. The inquiry also heard alarming evidence that some of the highest PFAS detections in New South Wales were recorded downstream of a composting biosolids facility. Communities will need to see PFAS contamination made a priority by the New South Wales Government to demonstrate that it is serious about ensuring the success of FOGO while safeguarding public and environmental health.

Of course it would be ideal for FOGO collection and processing to be implemented more quickly. The Government has justified its staged approach to implementation, in part based on the limitations of existing infrastructure to process organic waste. This is an unfortunate but genuine issue, in part caused by a broken

planning system in which private developers must seek consent to build processing infrastructure, often at odds with local residents. When households and businesses do the right thing and separate out their organic waste, they need the confidence that it is being processed into a beneficial product. This reform should not follow the footsteps of the massive stockpiles of soft plastic that people thought was being recycled or the offshoring of plastic and other waste that people thought was being recycled.

To support the successful implementation of this critical reform, the Government should take a more proactive role in supporting processing infrastructure in appropriate locations and with appropriate regulation to protect human and environmental health. That said, enforcing mandates on the biggest businesses and largest producers of organic waste first is the right priority. The Greens commend the bill to the House and look forward to holding the Government to account to provide the community education and support for councils that are needed for the reform to be implemented successfully.

**The Hon. SARAH MITCHELL (17:02):** I make a brief contribution to debate on the Protection of the Environment Legislation Amendment (FOGO Recycling) Bill 2024. I associate myself with the remarks of the Hon. Natalie Ward regarding the Opposition's position on the bill, but I note another issue that was raised with me yesterday by someone who works in this space. I was fortunate enough to get a call from a man called John Roydhouse, the former CEO of the Institute of Public Works Engineering Australasia NSW Division, and a man with many years of experience as an engineer. He now works with a startup company called Food Recycle. Interestingly, the member for Oxley, Michael Kemp, put me in touch with John. He is very interested in this space.

While we are talking about what the Government is intending to do to make sure that we are doing more to reduce, reuse and recycle, and to lead the way and make sure that we are taking urgent action—and this bill is absolutely one way to do it—I also note the comments by Dr Amanda Cohn that a number of regional councils have already started down this path. Gunnedah has not yet, but my understanding is that Queanbeyan council, for instance, is doing it. I think Muswellbrook is as well. There are a few. People are willing and ready to be a part of this initiative as it comes into play. But there are also opportunities with industry. One interesting thing that came out of the conversation that I had with John yesterday was around the work that Food Recycle is looking into—some sort of world-leading technology. It is working with the University of New England and the CSIRO to transform waste into high-quality, sustainable animal feed for poultry, pigs and aquaculture.

Innovative people are in this space beyond what government is doing. It is important that the Government and the Minister also continue to engage with groups like the one that John is involved in. My understanding is Food Recycle representatives have put in a meeting request with the Minister. I am sure that that will go through the processes and hopefully there will be an opportunity for them to meet with the Minister or some of her representatives. If we are really serious about long-term environmental sustainability, food security and waste management solutions—and, yes, there are important things that government can do, and the introduction of this bill is an example of that—we also need to work with the private sector and with innovation within the industry, which can do some amazing things and help us lead the world. There is a lot of potential for food organics and garden organics waste. There are opportunities that exist outside of government as well.

I encourage the Minister and her team to have a look at what Food Recycle is doing and organise a meeting, if possible. I am sure others are also doing worthy work in this space that should not be forgotten, particularly some of those facilities that might be in regional areas where there are major agricultural industries. The Mid North Coast is a great example. There is Nestlé and the horticultural sector. In that part of the State those sorts of partnerships would be invaluable when it comes to dealing with this as a bigger scale issue in addition to dealing with the local household waste that we are all guilty of having too much of in our bins. I put on record my support for those doing that kind of work and encourage the Government to look at engaging with industry as well.

**The Hon. JOHN RUDDICK (17:05):** The Libertarian Party believes that power should be devolved away from centralised bureaucracies as much as possible. Smaller government is more efficient and less prone to waste. If there is doubt about which level of government should deliver a certain service, the best bet is to side with the level of government that is closer to the people. Sadly, big central governments get addicted to expanding their reach and crowd out smaller governments. That is what is happening here. Garbage collection and landfill should entirely be a matter for the local councils of New South Wales. Macquarie Street should have no interest in this local matter. The garbage collection process in Broken Hill is very different to the process in Byron Bay. But Macquarie Street is about to introduce a new statewide law that demands that every council provide collection bins to every household for garden organics and food organics.

The good news is we already have a test case: the Labor Left, Greens and beyond inner west city council of New South Wales. It conducted a pilot on precisely this model of garbage collection. The pilot involved the red bin collection being halved for those unlucky enough to reside in the inner west. It instead provided weekly collection of food and garden waste so it can be recycled into compost. What resulted was a biblical plague of maggots, flies, rats and other undesirable pests invading bins and homes, spreading disease and making life acutely

unpleasant. This was not progressive; it was regressive. After much community outcry, the well-intentioned council did an awkward backflip and allowed for an opt-in program for weekly red bin collection rather than fortnightly, but people had to proactively ask for it. A lot of people have busy lives and they are not aware of such options. The food organics and garden organics did not improve the lives of those in the inner west; it made them worse. Effi Tsoukatos told *The Daily Telegraph*:

It was horrible, it was like we were living in a third world country ... the bins were overflowing, there were mice, rats and cockroaches. It was disgusting.

I am glad the Minister is in the Chamber. I understand she lives in the inner west. I am very good friends with the Hon. David Clarke. David has been like a father to me for 30 years. He gave me a little tutorial before I came to this place. He said, "John, you won't agree with one thing that Penny Sharpe stands for, but she's impossible not to like." David is a pretty tough guy. And it is true. But this bill is wrong. I would love to hear the Minister's personal experience as a resident of the inner west. Did she opt back into the weekly rather than the fortnightly collection?

Now the Minister wants to expand and mandate the program statewide to solve an apparent landfill shortage. I am staggered that Australia has a landfill shortage. Obviously this is an inept government because it is not like there is a shortage of space. This is—surprise, surprise—once again a problem of the Government's doing. Australia is a big country with lots of room. If we have a shortage, then let us build more landfills. Better yet, let us stop centralising power under the dictatorship of the Environment Protection Authority and allow local governments and communities to decide for themselves where landfills should be and what partnerships can be made, and allow them to determine the way they believe garbage should be collected and/or recycled.

**The Hon. BOB NANVA (17:09):** I am pleased to speak in support of the Protection of the Environment Legislation Amendment (FOGO Recycling) Bill 2024. As a very proud resident of Penrith, I am pleased to say that Penrith City Council was the first metropolitan council—I think in Australia, not just in New South Wales—that embarked on the food organics and garden organics [FOGO] system. Since 2009 hundreds of thousands of tonnes of waste have gone into composting and, ultimately, away from landfill, which is an outstanding result.

**The Hon. Natalie Ward:** Got a veggie garden, Bob?

**The Hon. BOB NANVA:** I do have a fabulous veggie garden. I must give a lot of credit to the people of Penrith, who have embraced this innovative approach to recycling, to composting and to waste. It is credit that is not often given to the people of Penrith, but they well and truly deserve it, because the current situation in New South Wales with respect to waste is dire. New South Wales, particularly Greater Sydney, is running out of landfill. It is facing a waste management crisis, and if we do not take action, like the people of Penrith have for the past 16 years, the crisis will rapidly have real and costly consequences for residents, for businesses and for our environment.

Greater Sydney, in particular, is running out of ways to safely manage its residual waste, or the waste in household red kerbside bins, as most people know. It is likely to run out of landfill space by 2030 or earlier. Without urgent and decisive action, residents and businesses more broadly may be faced with the prospect of having their rubbish unable to be collected as there is simply nowhere else for it to go. Without new residual waste solutions, waste management costs will increase significantly for households as well as for businesses because people will have to pay for their waste to be transported longer distances, to regional areas or interstate, for disposal if landfill capacity continues to run out. If we do not take these strong measures, it will serve to exacerbate the cost-of-living pressures that households and businesses already face. It will delay development and delivery of critical waste management infrastructure across the State. If those infrastructure shortfalls are not addressed, modelling shows that it could drive an estimated 20 per cent increase in the average cost paid by households for essential waste management services.

Additionally, it will increase the cost of construction, it will increase the cost of demolition waste and it may delay the delivery of critical infrastructure, including housing and roads that will service the State's growing population. Adding to the seriousness of the residual waste management crisis and the need for urgent action are our recycling rates. Rates in New South Wales have stagnated around 65 per cent since 2015-16, falling short of the 80 per cent target by 2030. Each year, most of the estimated 1.7 million tonnes of FOGO waste generated by households and businesses are collected in red rubbish bins and landfill, and it is completely and utterly unnecessary, as the people of Penrith have demonstrated for well over 15 years. We do not need to embark on waste management in that manner.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (17:13):** In reply: I thank the Hon. Natalie Ward, Dr Amanda Cohn, the Hon. Bob Nanva, the Hon. Sarah Mitchell and the Hon. John Ruddick for their contributions to debate and for the wide support for the necessary change in the bill. I will briefly address the issues raised in the debate. Firstly,



I thank industry, local government, individuals and environment groups for their engagement on the bill and for their broad support of what we are trying to achieve. We all agree that we must take action to fix our waste crisis. Already, around half the councils in New South Wales have a food organics and garden organics [FOGO] service, the bulk of which are in regional New South Wales. Our regions are leading the way. Many of those councils have contacted my office to say that they are happy to offer advice and support for other councils, and I thank them for their support.

I take this opportunity to place on record a few issues that were raised and some answers which I hope will provide assurance and comfort, particularly to those in the local government sector, because local government is an absolutely necessary partner for us to deal with our waste issues. Councils are crucial in delivering and reforming waste management and the circular economy. Our Government wants to work in partnership with councils and the sector to do that. The New South Wales Government is focused on a policy outcome and behaviour-change approach rather than a punitive or compliance-led approach. Yes, there are compliance mechanisms in the bill, but they will never be our Government's first step. We want to work with councils and all other parts of the waste and recycling sector to keep contamination low and ensure a clean waste stream. We want to divert as much FOGO from landfill as possible. We want to turn it into compost.

Some councils and their local members raised with us concerns of what councils have to do to comply with the mandates. I will be very clear: Councils will not be held responsible for issues that happen in other parts of the sector, just as industry will not be held responsible for issues that could happen with councils. For councils to comply, they essentially need to do three things by 2030: one, provide bins for households for FOGO or for food organics waste—for many councils, this will be a direct transition from their existing green waste bins; two, ensure that the bins are collected weekly; and, three, ensure via contract that they are transported separately from non-organic material. Councils are welcome to apply for an exemption if they need more time or to respond to individual circumstance. We want a partnership approach, not a punitive one.

Practically, the transportation component means that if a council has a waste contract with a licensed provider and the contract aligns with the requirements, then the Environment Protection Authority [EPA] would consider the council to be acting appropriately and to be complying with the mandates. I have asked the EPA to assist any council that asks with contract terms. My strong direction as the Minister to the EPA is that assistance, support and collaboration are the tools that government uses to roll out the mandates. Compliance and penalties must be the last resort.

In relation to the exemptions, the New South Wales Government recognises that one size does not fit all when it comes to waste services. That is especially true of the very different types of communities we are dealing with for waste collection. The FOGO legislation enlivens provisions to allow the EPA to grant exemptions from some requirements or to give a longer transition period. However, we must pass this legislation before we can design and roll out any necessary exemptions. I want flexibility to respond to the different needs of councils and communities rather than stipulate the possible exemptions in law. Legislating exemption types, as some councils have asked me to do, narrows the scope and removes flexibility.

As part of the exemption process, some of the things we will consider and take into account are geographical and population constraints and the impact on processing availability, particularly in remote areas; availability of infrastructure, particularly processing facilities; timing and expiration of waste contracts; and infrastructure impairments of certain building types, particularly councils with large numbers of apartments—particularly older apartments that were never understood to have one bin, let alone three or four. The bill gives authorised council officers the power to enforce business mandates should they choose to. They will not be punished if they choose not to. In practice, that means that if officers are out doing their work and they notice that businesses are not complying, they are able to work on compliance. However, councils are not responsible for enforcing the mandates; the EPA will also be enforcing the business mandates.

Anyone who is at all interested in waste management knows that contamination is one of the biggest challenges that we face, and we face it down the supply chain. Community education is absolutely key. More is needed, and I want to invest in that. What goes into what bin is as crucial as the number of bins that we have. I place on record that I will soon be announcing a package of additional money and other supports for councils for community education, behaviour change and action against contamination. This will flow quickly to councils this year; we are not waiting until 2030. I am also working with the EPA on the support that we can offer businesses, and that will be announced as well.

In relation to the concern about PFAS, I reassure the House that New South Wales is actually leading the country in how we are rolling out FOGO and in our approach to PFAS within this space. We are one of the jurisdictions that is not allowing into the waste stream compostable material that we know has PFAS in it. That is not the same for other States. We want to be very clear about that, and it is something that we will need to increasingly do through the education program. Turning to issues that relate to industry, I thank industry for its

engagement. This is something that industry wants. Part of our broader work on waste management as we deal with the landfill issue is about finalising the waste infrastructure strategy. The EPA is working on that. The whole idea of both the mandates and the infrastructure strategy is to give certainty to all of those businesses that are getting ready to invest, that want to build things in regional New South Wales, that want to have facilities and are doing the innovative work that is coming together in this space. We are very keen on that, and I thank those businesses.

I now address the Hon. John Ruddick's comments. I live in the inner west. The Inner West Council has rolled out FOGO. I deal with the bins in my house, unfortunately. I keep thinking someone else does it, but I appear to be the garbage fairy in our household. I came back from holidays and found a piece of meat that had been hiding in the back of the fridge. I put it in the FOGO and it got really disgusting really quickly. Yes, that is not pleasant, but it was dealt with very quickly because I had kept it in the fridge. The bin can be washed out with a bit of vinegar and a hose. I would like to get my children to do it but, so far, I have been unable to.

People will get used to it. We are now using it. As we not just tackle landfill and climate change but also get to the heart of not wasting anything, the idea of all that food being wasted now seems increasingly preposterous. It can be used for something else and used to grow more food. Our parents and our grandparents never wasted anything. They had compost scraps bins. They used to have compost piles. They used to make that themselves. We can now do that on an industrial scale. That is good for the planet, good for food production and good for industry. It will ensure that we can tackle the very serious issue of the State running out of landfill by 2030.

In conclusion, the bill is an essential step in the Government's plan to reduce waste ending up in landfill. The Government is under no illusions about the waste crisis that New South Wales faces. We cannot kick that down the road any further. If we do not intervene and take action in a range of areas, Greater Sydney is going to run out of landfill capacity by 2030 or earlier. I warn the House I will be talking about waste a lot this year. The Government wants to meet that challenge. It wants to support councils and businesses to divert waste from landfill. As I said before, that is also a huge opportunity for processing and job creation in regional New South Wales and other places, and creates a valuable end product away from landfill while also reducing emissions.

The Government recognises that adapting to new things can sometimes present challenges, especially for councils. I reiterate that the Government wants to work in partnership with Local Government NSW and all of the different organisations. We can share a lot and do a lot if we work together. We cannot fail on this issue. If we get to 2030 and we run out of landfill, costs will skyrocket. People will not have their red bins picked up, and we will have a serious issue on our hands that no government is going to be able to ignore and no household should have to deal with. I thank members for the cooperative way in which they have engaged with my office and others in relation to the bill. I really appreciate it. I commend the bill to the House.

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

**Motion agreed to.**

### **Third Reading**

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

That this bill be now read a third time.

**Motion agreed to.**

### *Committees*

## **PORTFOLIO COMMITTEE NO. 1 - PREMIER AND FINANCE**

### **Reference**

**The Hon. JEREMY BUCKINGHAM:** According to paragraph (6) of the resolution establishing the portfolio committees, I inform the House that on 26 November 2024 Portfolio Committee No. 1 - Premier and Finance resolved to adopt the following terms of reference:

#### **Application of the contractor and employment agent provisions in the Payroll Tax Act 2007**

That Portfolio Committee 1 - Premier and Finance inquire into and report on the application of the contractor and employment agent provisions in the Payroll Tax Act 2007, and in particular:

- (a) the provisions in Division 7 of Part 3 of the Payroll Tax Act 2007 on contractors;
- (b) the provisions in Division 8 of Part 3 of the Payroll Tax Act 2007 on employment agents;

- (c) revenue rulings and Commissioner's practice notes issued by Revenue NSW addressing the contractor and employment agencies provisions in the Payroll Tax Act 2007;
- (d) decisions of courts in cases involving the application of the contractor and employment agencies provisions in the Payroll Tax Act 2007;
- (e) the applicability of the contractor and employment agent provisions in the Payroll Tax Act 2007 on particular industries including the on-demand and gig economy; and
- (f) any other related matter.

## JOINT STANDING COMMITTEE ON NET ZERO FUTURE

### Reference

**The Hon. JEREMY BUCKINGHAM:** According to Standing Order 227 (3), I inform the House that on 13 December 2024 the Joint Standing Committee on Net Zero Future resolved to adopt the following terms of reference:

#### 2024 Annual Report of the Net Zero Commission

That the committee inquire into and report on the 2024 Annual Report of the Net Zero Commission.

### *Business of the House*

## POSTPONEMENT OF BUSINESS

**The Hon. PENNY SHARPE:** I postpone Government business order of the day No. 2 until a later hour of the sitting.

**The Hon. PENNY SHARPE:** On behalf of the Hon. Rose Jackson: I postpone Government business order of the day No. 3 until a later hour of the sitting.

### *Bills*

## SOUND NSW ADVISORY BOARD BILL 2024

### Second Reading Debate

#### Debate resumed from 14 November 2024.

**The Hon. JACQUI MUNRO (17:26):** I contribute to debate on the Sound NSW Advisory Board Bill 2024 on behalf of the Opposition as the shadow assistant Minister for the Arts and shadow assistant Minister for the 24-hour Economy. The Opposition supports the bill, though I will be moving some amendments that we anticipate the Government will support. I thank the shadow Minister for the Arts in the other place for her excellent work with the Government to ensure that there is a bipartisan approach to the bill. "All parties want more parties" is the sentiment, so it is good to have that embedded in this debate.

We need to acknowledge that the bill is a feel-good bill. It is difficult to see where the substance underneath will really be felt because similar bodies in New South Wales already do not require the sort of legislative framework in this bill. Bodies like the Screen NSW advisory panel and the Creative Communities committee exist outside of legislation. Screen NSW is embedded in regulation, but it does not need its own legislation to exist and function. In fact, Sound NSW as a board has been functioning, I believe, quite happily up until this point. I am very mindful of the kinds of bills coming before the House that create busywork and make us feel good about something. What is the actual underlying purpose and use of that kind of work?

The Contemporary Music Strategy is aiming to increase the contribution of contemporary music to the New South Wales economy from \$2.7 billion to \$3.5 billion by 2034, which is fantastic. There are plans to increase the number of direct full-time equivalent live music industry workers from 14,000 to 20,000. Again, I think they are really laudable goals, as is targeting the doubling of dedicated live music venues from 55 to 110. They are great goals, but it is unclear how a piece of legislation that sets out a board is going to go any way to actually achieving those things.

While the Opposition will move some amendments that the Government has foreshadowed it will agree to, there are additional amendments that we think are important to ensure that the diversity and representation of the board is reasonable and widespread. We looked at mandating three artists; two Aboriginal and Torres Strait Islander or First Nation representatives; two regional or remote representatives; three industry representatives with experience in live music, production, recording, publishing, distribution or artist management; and, potentially, representatives of peak bodies. We were also interested in a music education expert. We have seen a lot recently in the arts and music education inquiry about the importance of listening to the experts we engage, not just engaging them and putting them through the process and then not listening to them. We do not want to waste people's time. We would also want a representative from the night-time industry.

Those are the kinds of things the Opposition would like to see considered. The Government and the Minister have given some assurance that the requirements for board members be considered in a less strict way and that the fulsome composition of the board include as much diversity as possible. I note that in the bill there is language around the regional and rural representative that indicates that that person may not live in the regions when they are appointed to the board, but that they have some demonstrated experiences and are an advocate for regional New South Wales.

**The ASSISTANT PRESIDENT (The Hon. Peter Primrose):** Order! According to sessional order, it being 5.30 p.m., proceedings are interrupted for debate on committee reports and Government responses.

### *Committees*

## **PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT**

### **Reports**

#### **Debate resumed from 19 November 2024.**

**The Hon. MARK BUTTIGIEG (17:31):** I speak on Portfolio Committee No. 7 - Planning and Environment's report on the development of the Transport Oriented Development [TOD] Program. The 127-page report contains 10 recommendations, the Government response to which has now been tabled. The Government supports all 10 recommendations in full or in principle. I think some members of the committee, mainly the Opposition members, thought the report would be some kind of hammer blow to the Government's policy. It turned out that the majority of committee members wanted to be constructive in confronting the housing crisis and the substance of the report, through its 10 recommendations, is well considered and appropriate. I note that the Chair, Ms Sue Higginson, said in her foreword:

I also encourage the Government to take a collaborative approach with key stakeholders, and ensure that these particular reforms deliver 'density done well', that enhances the amenity and quality of life for residents.

This is precisely what the Government has done. The Government will deliver more housing choices for young people, families and local key workers so they can live in the communities they choose, close to open spaces and near their jobs.

The report was not published in a vacuum. The Opposition particularly took a hard line, opposing the Government's TOD policy from the beginning. The Opposition sought to introduce legislation in June 2024 to disallow the TOD State environmental planning policy [SEPP]. In August 2024, a majority in this place, including nearly every member of the crossbench, voted to defeat the Opposition's legislation and side with the Government's TOD policy. It is worth recalling the scorching editorial published in *The Sydney Morning Herald* on 7 June 2024 entitled "Sydney's housing crisis no place for low-rent politics", which stated:

In a remarkable political own goal, the NSW Liberals are working to tear down legislation aimed at Sydney's chronic housing shortfall, but remain tight-lipped about how they will solve the crisis.

It concluded with the real kicker:

But we believe that increasing housing density in areas of the city that avoided having to shoulder a larger residents base due to accidents of birth, wealth, planning, history and demography is no bad thing. It is a fair thing, too. While the Liberals plot to overthrow the legislation, they should consider facing the political reality that any party without a credible plan to deal with the biggest issue facing Sydney does not deserve to be anywhere near government, let alone be taken seriously.

I lament that we were unable to have this editorial and those searing words consolidated into the committee's report, but I am content to have that clear sentiment recorded in *Hansard*. On behalf of the Government members on the committee, I must take issue with the myth in the report and some of the commentary in this place during this debate that the TOD policy is in some way imposed on communities without any consultation or additional funding to address infrastructure needs and essential services. This view is false and misguided.

I remind members that despite what the Opposition says, consultation was undertaken with councils before the Government launched the TOD between December 2023 and April 2024. The department published a TOD program document and sought feedback from all or any stakeholders. The department and the Minister also undertook rounds of consultations, feedback sessions and workshops directly with the councils affected, and the department sought advice from council and stakeholders on the draft SEPP itself. In two separate sessions per council, council staff and councillors were briefed on the TOD SEPP program, its intent, proposed planning changes and support offered by the department. Those briefings were conducted with the 14 councils originally affected by the TOD SEPP between January and March 2024.

The department also met with numerous other critical sector stakeholders, listening to their concerns to inform decision-making surrounding the TOD SEPP, including Local Government NSW; the Australian Institute of Architects; the Planning Institute of Australia; and members of the department's planning and professional

peaks forum, including the Association of Australian Certifiers, the Association of Consulting Surveyors NSW, the Australian Institute of Building Surveyors, the Australian Institute of Landscape Architects, the Environment and Planning Law Association, the Environment Institute of Australia and New Zealand, the Urban Development Institute of Australia, Urban Taskforce, the Property Council of Australia New South Wales division, the Housing Industry Association, the Business Council of Australia, Business Sydney, Shelter NSW, Community Housing Industry Association NSW, the Committee for Sydney, WalkSydney, Sydney YIMBY and the Heritage Council of NSW.

Councils worked, and continue to work, constructively with the Government on outcomes that will benefit their communities now and into the future. The Minister and the Government listened to what they said. Again, I remind members that as a result of consultations and agreements with councils, changes were made to the final policy and development controls, including the staging of 19 TOD SEPP sites to allow for local planning to occur; an additional six TOD SEPP sites being added, suggested by councils on behalf of their communities, bringing the total to 37 stations affected by the SEPP and the cumulative total of potential new homes to approximately 170,000; changes to controls, including greater heights of buildings but lower floor-to-space ratio; and not applying the new controls to heritage items but continuing to apply them to heritage conservation areas.

The Government has agreements with 12 of the 13 councils about councils doing their own planning, adding more stations and allowing the TOD controls to commence in some locations. The assertion of the so-called top-down, one-size-fits-all TOD policy has no credibility whatsoever, as does the assertion that infrastructure was not considered. I remind members that the Government has committed \$520 million for infrastructure in accelerated transport oriented development precincts. In addition, the Government has announced \$200 million of funding grants over three years for councils that meet or exceed their housing targets, including councils affected by the TOD program.

The Housing and Productivity Contribution scheme, one of the first pieces of legislation introduced in the new Parliament after the 2023 election, which was—it is important to emphasise—opposed by the Opposition, came into effect in October last year and will help fund the delivery of essential State infrastructure in these high-growth areas. As to the negative talk that we have heard from the Opposition since the Government developed and implemented the TOD policy, it is worth asking what the Opposition would do differently. That answer is contained in a paragraph of the Opposition's dissenting statement in the report's appendix, which states:

The Coalition proposes a different approach – affording Councils the opportunity to formulate their own plans in consultation with their community to achieve meaningful increases in housing supply with a very strict timeframe and clear sanctions for non-participation. If Councils refuse to formulate plans for additional housing growth, then the implementation of State-led local planning controls is then appropriate ...

In other words, members opposite would implement the very policy the Government is now implementing, which they did not do in the 12 long years that they were in government. However, the Opposition appears to have had a change of heart with the new year and has given a public indication of bipartisan support for the delivery of more housing across Greater Sydney and New South Wales. Initial conversations between the Premier, Minister Scully, the Opposition Leader and my colleague Mr Farlow have been productive.

In closing, I thank the numerous stakeholders and community groups who gave their time to make submissions and appear as witnesses in the inquiry. I thank the committee members, particularly the Chair, Sue Higginson, and the fantastic committee secretariat for their work. I think we can all agree that the Government's TOD program is a significant policy reform initiative. We should all be enthusiastic for its success so that our young people, families and local key workers can live in their communities, closer to their jobs, and have a place to call home.

**The Hon. SCOTT FARLOW (17:41):** I contribute to debate on the report of Portfolio Committee No. 7 - Planning and Environment entitled *Development of the Transport Oriented Development Program*. I thank Ms Sue Higginson for her chairing of the inquiry and for her original report, which traversed many of the issues that were put before the committee in its deliberations. It was indeed an inquiry that was well engaged with. Part of that engagement was because members of the community had not had the opportunity to engage particularly in the transport oriented development State environmental planning policy, or TOD SEPP, program that was implemented by the Government. That is shown by the number of submissions that we received—over 200, which, from my experience of a Legislative Council committee inquiry, is a fairly large number. It was not in one of those, let us just say, social issues that can often generate many submissions, but people were individually grappling with issues.

Many organisations contributed in a constructive way. There were very few people who came forward to the committee inquiry and said, "Not in my backyard." Largely they were people who said, "This is how it could work better in my backyard," or, "This is how we could deliver more homes but also deliver a better outcome for the community." That includes contributions from developers and planning lobbies who said the program does

not work for them. As we have seen with one development application within a TOD zone that actually took up the TOD SEPP provisions, it has shown that it has not met the market either. It has not had the impact that the Government no doubt would have liked to have seen.

The report, particularly the original report, was a good report. Sadly, there were moves from the majority of members, led by the Government, to remove several recommendations. I think that they were good recommendations that deserve to be noted. One recommendation that the Government successfully removed was that the New South Wales Government publish information demonstrating the reasons for the TOD program reforms, the rationale for the selection of TOD precincts and what the reform means for affected communities. That seems like a sensible recommendation. It was not saying "throw it all out"; that recommendation sought to engage the community to increase its understanding of how this will work and also to engage the development community for it to understand what sort of infrastructure is there and how it should plan for increased densities in those areas. But the Government took umbrage with that.

Another recommendation that was removed from the report was that the New South Wales Government develop improved consultation mechanisms to ensure genuine collaborations with local councils and other key stakeholders and build community understanding of housing reforms, including the TOD program. Again, I would have thought the Government would have embraced that recommendation and said, "Fair enough. We will cop that. We will look at how we can do it better in the future." Sadly that was not the case.

The Hon. Mark Buttigieg said that consultation was undertaken. It was outlined to the community in December that this initiative was going to take place, but there was no consultation mechanism where the community could actually have their say. There may have been consultations with councils, but that in itself is not a consultation with the community. Nor were affected property owners notified of the impact on their property. I think many are still scratching their heads in that regard.

Removed recommendation 3 was that the New South Wales Government work in collaboration with local governments affected by the TOD program to ensure that reforms promoting greater density are appropriately tailored for local context. Again, that recommendation seems quite sensible to me, but the Government took umbrage with it. I look at what the Government has done in some of these communities, such as at Canterbury Bankstown, for instance. By master planning around the Canterbury TOD site, a better outcome was delivered for the community—more open space, more grading in terms of development and probably sites that are more feasible and likely to be moved upon. In that master planning approach, more homes were delivered, which is what we should all want to do.

To the point, the Government has come back to the table with Ku-ring-gai Council—a council with four connected TODs with no break—and is giving it the opportunity to do its own master planning. By those designs, it seeks to deliver more homes in the local area while also listening to some of the community's concerns when it comes to heritage and the preservation of heritage, being able to earmark areas for open space. It also looks at densities that may be moved upon by the market, rather than the one-size-fits-all approach.

Another recommendation that was removed from the report was that the New South Wales Government consider more equitable and transparent ways to share the value generated by upzoning land to support improved community infrastructure and affordable housing. That is something that we have to grapple with, in terms of increased densities. At the end of the day, members of the community—those that are left and those that come—will be looking at how we can have better infrastructure in place and how we can derive some of that benefit from upzoned land.

There is no provision in the tier 2 TOD SEPP areas for any additional infrastructure. The Hon. Mark Buttigieg and the Government like to talk about the money that has been allocated in the tier 1 program. In many of those places, councils are still critical of not being able to provide the necessary infrastructure out of that pot of money. There has been no clear indication for how that will be divided between those now seven, soon to be eight, tier 1 sites. When it comes to the tier 2 sites, there is not one dollar for infrastructure that is on the table to support that initiative from the Government. That has been a criticism from the very beginning. No doubt that was a concern for the community and those who were commenting and came before our inquiry, in terms of what could be done to deliver additional infrastructure to support that development and those densities.

Overall it was a good inquiry. The Government should certainly pay attention to some of the suggestions from the inquiry, whether they be from local community groups about how the Government can better manage community consultation or whether they be from the development sector, who have indicated that we may look back in years to come—I think these words were from Tom Forrest—and say, "Look at all these quaint little six-storey buildings. Why could we not have gone to 10 or 20 in those areas?"

Peter Phibbs, who is a planning professor from the University of Sydney, eminently qualified and respected within the field, said in many of these opportunities we should look in these areas for future development growth and to preserve those corridors, and that, effectively, this one-size-fits-all approach could lead to us delivering less homes. As we have already seen, when you rezone so much so quickly, the price of all of these increases at that point in time and will lead to it being more difficult to stack up the feasibility within some of those areas. They are some of the challenges of being able to deliver more homes.

As the Hon. Mark Buttigieg said, we on this side of the House support more housing supply. We have always said that we want to see more ambition when it comes to housing supply. We need that for housing affordability and to be able to make sure that our population has somewhere to live. That is not new. We did it when we were in government. It is not the first time that developments have occurred along rail corridors. All one needs to do is catch a train around any rail corridor in Sydney to see the development that has taken place. The Hon. Susan Carter is not in the Chamber, but I liked her comments when she said the TOD program would just be odd without the transport. Looking at what was delivered under the former Coalition Government with Sydney Metro North West and that now continuing to Sydney Metro Southwest, the ability to undertake development along rail corridors has been opened up by the delivery of that metro system.

The capacity constraints on the North Shore rail line have been removed somewhat because of the metro corridor. That will continue with Sydney Metro West, which will deliver more capacity along the western line. I am sure the Hon. John Graham will be taking briefs on that very soon with his new responsibilities. For all of those reasons, it makes sense to be able to deliver more density along rail corridors. We have never quibbled with that. You also need to have the compact of being able to deliver more infrastructure to support that density. That is not just transport infrastructure; it is social infrastructure, schools, hospitals, local road networks, local open space and community facilities. One of the qualms with the program is that it is not actually building place, because it is just residential development. One of the considerations in the Canterbury TOD is how you build a connected business precinct in that retail precinct, because denser communities need that as well.

**The Hon. JACQUI MUNRO (17:51):** I briefly contribute to the debate to, firstly, thank the chair for her custodianship of the inquiry. I also note the importance of jobs and innovation in rezoning New South Wales and the serious concerns that a number of stakeholders raised about having a lack of innovation and jobs prioritised. We need transport, but we also need economic opportunity. We need jobs. It is not just a place to live; one has to be able to live. That means being able to have a job that is fulfilling and that makes sense in the context of the wider New South Wales economy. Some of the recommendations that we proposed were around creating an innovation State environmental planning policy [SEPP], which would protect the unique character of innovation districts, which are now at risk. The Macquarie Park Innovation District is one of those at risk. The City of Ryde is incredibly concerned, as are the stakeholders at the Macquarie Park Innovation District, that the steamrolling of houses at the expense of everything else will mean that some of the most valuable parts of New South Wales by way of innovation, research development, commercialising research and startups are now at risk.

Councillor Zoë Baker, Mayor of North Sydney Council, expressed her disappointment about the lack of focus on creating job opportunities. She said, "The TOD program is, unfortunately, totally silent on employment targets." Similarly, Mr Wayne Rylands, the CEO of the City of Ryde, said that this is about "ensuring that we do not create too many crises when we are trying to resolve the housing crisis." Those comments are saying that if you have too many people in one area without the adjacent jobs and opportunities to have a lifestyle and a community, you risk forming a new crisis. There is already a cost-of-living crisis and a housing crisis. If we have a shortage of jobs and a job crisis, then we have not succeeded in our attempt to make New South Wales a better place to live and do business.

There were also comments about the wider, informal innovation corridor running from Botany all the way up through the city—through places like Tech Central and Wynyard, where the Sydney Startup Hub is—to North Sydney and continuing up to the Macquarie Park Innovation District and even further to close to Hornsby. That cohesive network of innovation districts is at risk if we prioritise something that steamrolls over the top of it and ignores the value and work that has already been done. The City of Ryde had its own report, called "Striking the Right Balance", which is about ensuring that it retains employment in the Macquarie Park Innovation District while delivering housing. Ryde has been a particularly successful council in delivering more density with appropriate infrastructure and community support around it. Ryde's plan would deliver over 40,000 new jobs, in addition to the 90,000 jobs that it is already looking at, and deliver more housing. But Ryde would like to see an innovation SEPP where local planning decisions are guided by this specific carve out of a place that is designed to have high-value employment, growth and economic opportunities.

In delivering the report, we know it is not just about housing. It is about creating a better place to live in New South Wales that is attractive to people so that people start coming back to our State instead of leaving it, which is happening at the moment. It is about creating a place where people feel there is opportunity, where there

is a future for them and where their leaders and government are looking to represent the full range of needs that a person, a family, a community and an economic industry has. I look forward to the Government acknowledging that it is not just about a housing crisis; it is about a living crisis. That is what the Opposition is looking to address to ensure that there is employment and economic opportunity in line with the rates of growth that we are going to see.

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** The question is that the House take note of the report.

**Motion agreed to.**

#### *Business of the House*

### **CONDUCT OF BUSINESS**

**The Hon. CAMERON MURPHY:** That standing and sessional orders be suspended to allow the moving of a motion forthwith relating to the conduct of business of the House.

**Motion agreed to.**

### **POSTPONEMENT OF BUSINESS**

**The Hon. CAMERON MURPHY:** I move:

That debate on committee reports Nos 2, 3 and 11 be postponed to the next sitting day.

**Motion agreed to.**

#### *Committees*

### **PORTFOLIO COMMITTEE NO. 4 - REGIONAL NSW**

#### **Government Response**

**Debate resumed from 15 October 2024.**

**The Hon. MARK BANASIAK (17:58):** I take note of the Government response to Portfolio Committee No. 4 – Regional NSW report No. 64 entitled *Veterinary workforce shortage in New South Wales*. The veterinary workforce shortage is not a new issue, but the recent inquiry into the matter brought it into focus and exposed the complexity of the important matter. Over the course of the year, the committee conducted consultations with stakeholders across the veterinary field, resulting in 17 findings and 34 recommendations. The inquiry illuminated the causes and consequences of the crisis while offering actionable solutions if considered and implemented. However, while acknowledging the problem, the Government's response raises concerns about the pace and depth of action needed to be taken.

The inquiry findings painted a stark picture of the current landscape within the profession. A critical shortfall of veterinarians exists in both metropolitan and regional areas, compounded by growing demand for services and high levels of burnout within the profession. Those factors affect not only the profession but also the wellbeing of animals, the agricultural sector and biosecurity. Regional New South Wales faces particularly acute challenges, where recruitment and retention of veterinary professionals remains difficult. It is essential to recognise that this issue is as much about mental health and working conditions as it is about workforce numbers and education and training opportunities.

The inquiry outlined several targeted measures to address those challenges, particularly education, training opportunities and growth, by increasing the capacity of veterinary education programs in New South Wales universities and providing incentives for regional internships and placements. Incentives for regional practices could include grants, housing support and tailored financial incentives to attract professionals to underserved areas, as well as mental health support by establishing dedicated mental health programs and flexible work arrangements to combat burnout and help prevent other mental health impacts. Improving remuneration was another very important issue and advocating for competitive pay structures and professional development opportunities to enhance job satisfaction and progression.

In September the Government tabled its response to the report on the inquiry into the veterinary workforce shortage in New South Wales. It acknowledged the gravity of the situation. The response categorised the recommendations according to three levels: noted, support in principle and support. While many of the report's recommendations were supported in principle, there is a pressing need for clearer timelines and concrete commitments to make sure that adequate and prompt action is undertaken to help overcome the impact of the veterinary workforce shortage.



Regulatory reform is probably the most important aspect for the future of the veterinary workforce. In its response, the Government agreed to review the regulatory frameworks that might be viewed as outdated for their purposes, such as the Veterinary Practice Act 2003, and to explore new, innovative initiatives like telehealth services and a national veterinary workforce database. While promising, those steps require swift implementation to bring the tangible results that the industry is waiting for. The Government's support for revisiting ATAR requirements and HECS fee structures for veterinary courses is welcome. However, greater urgency is needed to expand programs and scholarships, particularly for regional students and large animal practices, to ease the educational and financial barriers that prevent the right students accessing the courses and career opportunities in the veterinary sciences. Recommendations for financial incentives, childcare accessibility and addressing housing challenges were supported for regional and rural New South Wales to help attract more professionals. Yet the response indicated that those measures may require budgetary considerations, delaying their rollout and speedy action.

The most pressing issue raised during the inquiry and included in the Government's response is the issue of mental health—the silent crisis affecting many within the veterinary workforce. The inquiry revealed alarming rates of burnout and distress within the profession. Veterinarians are often perceived solely as service providers, yet their work involves life and death decisions, long hours and the emotional toll of caring for sick or injured animals. The Government's commitment to suicide prevention training and mental health programs is a positive step. However, more needs to be done to address systemic factors contributing to poor mental health, such as excessive workloads and insufficient support networks. That action needs to begin now. Another critical area is wildlife care. The inquiry highlighted the financial and operational strain placed on veterinarians handling wildlife cases, often without adequate compensation. While the Government has committed \$8.5 million for wildlife hospitals, it must ensure these funds are distributed equitably and sustainably.

It is clear that the inquiry laid a strong foundation for addressing the veterinary workforce shortage. However, the Government's response lacks the urgency and specificity needed to bring the recommendations to life. We must continue to advocate for comprehensive workforce planning to ensure veterinary needs are met across New South Wales and to ensure long-term investment in the sector that prioritises education, mental health and incentives to help regional and rural New South Wales, and with ongoing monitoring and accountability to assess the effectiveness of implemented measures. Veterinarians are more than professionals; they are caregivers, problem-solvers and important contributors to our communities across the State. It is crucial that we treat this workforce shortage with the seriousness it deserves.

**The Hon. EMMA HURST (18:03):** As a member of Portfolio Committee No. 4 – Regional NSW, I speak briefly on the New South Wales Government's response to the report on the inquiry into veterinary shortages in New South Wales. As the report highlighted, New South Wales is facing a major shortage of veterinarians, which has left practitioners at breaking point and animal welfare at risk. We know vets have some of the highest suicide rates of any profession, with high rates of burnout, and many of them are simply leaving the industry. It is clear that urgent action needs to be taken, and the New South Wales Government needs to intervene to support the industry.

The report made a very comprehensive set of recommendations to address the veterinary workforce shortage and support the profession. It is worth highlighting the general agreement among committee members on the report and the recognition across the Chamber that work is urgently needed in this space. I am pleased to see that the New South Wales Government supports in principle quite a few of the recommendations and has committed to undertake a review of the veterinary practice regulatory framework, which is sorely needed to address many of the issues raised in the inquiry. However, the real test will come in the months and year ahead as we see what action the New South Wales Government actually takes in response to the recommendations it supports. I will say that I am concerned by some of the Government's responses. For example, it has stated that it supports in principle "providing subsidised vet care to low-income earners, pensioner and animal rescue groups".

However, in the Government's response, it only references one-off funding it has provided in the past for registration and desexing. The Government's response provides no plan for or indication of how it is actually going to deliver this vital funding to low-income earners and rescue groups. I hope that is not an indication that the very small amount done in this space is the only work that the Government will be doing, but rather that a plan going forward will be made so that the urgency of the situation can be addressed properly. I was also concerned to see that the New South Wales Government did not support, and only noted, recommendation 1 of our inquiry report, which recommended:

That the NSW Government provide dedicated, ongoing funding for the provision of veterinary services to wildlife, including for:

- wildlife rescue organisations
- existing wildlife hospitals
- support the expansion of wildlife units at other hospitals

- private veterinary practices to contribute to reasonable costs for services.

The Government has said that it is premature to consider any funding to this sector until the review of the Biodiversity Conservation Act is concluded, and that "funding requests can be considered through the ordinary annual budget process". The problem is twofold. Firstly—and this is really important to press—native animals are the responsibility of the State. They are actually considered property of the State under legislation. For far too long the Government has relied on vets to step in, with no compensation, to treat native animals who are sick or injured, even though they are a State responsibility. That means we have a bizarre and unfair situation where often small private businesses have to take on the costs of the work on behalf of the Government, which continues to ignore its responsibility in this space. Essentially, the Government is dropping its animals to the vet and refusing to pay the bill. That puts immense pressure on private business owners. Vets wanting to care for animals have had to take on that cost and responsibility out of compassion. State government freeloading off vets has gone on for far too long. It is adding to the pressures faced by vets and it must stop.

Secondly, wildlife vets and carers are struggling and need urgent support now. It simply cannot wait another 10 months until the next New South Wales budget. By that time, it is likely that more vets will have left the profession and wildlife rescue groups and vet hospitals may have gone under, leaving our precious native wildlife with nobody to care for them. I will give the example of Byron Bay Wildlife Hospital, a charitable organisation that does excellent work providing free care to native animals and taking the pressure off local private vet clinics. Byron Bay Wildlife Hospital has faced a real battle getting any substantive funding from the New South Wales Labor Government and has been struggling to continue to rescue and rehabilitate the huge number of animals that come into its care. In sad news, Byron Bay Wildlife Hospital contacted me last year advising that it has been forced to temporarily suspend its services, largely due to staff shortages caused by vets and vet nurses experiencing mental health strain and burnout from the incredibly difficult work they do. This will likely affect wildlife rescue organisations and local vet clinics.

The situation is dire and cannot continue to be swept under the carpet. The Government must step in to support wildlife vets and carers. We will be keeping a close eye on changes in this space and will continue to work with and support the vet industry to ensure the system is set up to support the workforce to thrive into the future. Again, I thank all the committee members on this particular inquiry, as well as all the staff who worked diligently to put together a strong report to the Government. Hopefully we see change in this space soon.

**Debate adjourned.**

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

### **Reports**

**Debate resumed from 22 October 2024.**

**The Hon. EMMA HURST (18:10):** The inquiry into pounds in New South Wales, conducted by Portfolio Committee No. 8, which I chair, was such an important and urgent inquiry. We received overwhelming evidence that New South Wales is facing an animal rehoming crisis. Council pounds are under-resourced and operating beyond capacity. There simply is not room or capacity for pounds to intake all the lost and homeless animals who need temporary care. On top of that, most pound facilities around our State are underfunded and not fit for purpose. Many of them do not have adequate staff or resources to provide proper care for impounded animals. Others do not vaccinate animals on intake, or have no quarantine facilities to isolate sick animals, leading to deadly disease outbreaks such as the euthanasia of 21 puppies at Queanbeyan Pound due to parvovirus just recently.

As the committee saw firsthand, some pounds are literally built into tip sites. There is no way those overrun and under-resourced pound facilities can provide care to the number of animals that come through their doors, so they rely heavily on rescue and rehoming organisations to fill in the gaps. Those rescue organisations are run by the most amazing dedicated volunteers, and they are funded almost entirely by charitable donations. Most rescue organisations take in animals from pounds, rehabilitate and desex them, and do the work of finding them loving forever homes. Other rescue organisations support pounds by fundraising and providing basics like food and bedding for animals. Otherwise, some councils simply would not be providing that base level of care for animals.

In turn, those volunteer-run rescue organisations are also incredibly stretched, and the mental health of their volunteers is suffering. Rescue organisations have incredibly limited resources, and they simply cannot take in every animal from every New South Wales pound. The result is that healthy dogs and cats, through no fault of their own, are ending up on kill lists in New South Wales pounds, resulting in the unnecessary deaths of sentient beings. That is a horrifying outcome that the people of New South Wales, who love and share their lives with companion animals, agree is utterly unacceptable. Throughout multiple hearings and site visits to city, regional and rural pounds, and after reading hundreds of submissions, one thing became very clear—our pound and

rehoming system is broken, and the New South Wales Government must enact legislative and policy reform to fix it.

The recommendations in the inquiry report are broken up into two main parts. The first issue we looked at was how to address and reduce the number of animals ending up in pounds because the goal is that animals do not end up lost and homeless in impounding facilities in the first place. The committee received overwhelming evidence that the most effective and humane way to reduce the overpopulation of companion animals is through desexing, with a particular focus on desexing homeless and free-roaming cat populations. Experts such as Professor Jacqui Rand have conducted research for many years now showing that free, targeted desexing programs can drastically reduce the number of cats entering pound facilities, reducing costs for councils and creating better outcomes for animals.

The committee therefore recommended that the New South Wales Government provide grants to councils as well as rescue and rehoming organisations to carry out large-scale, targeted desexing programs across the State, including community cat desexing programs, with a specific focus on disadvantaged communities and areas with large homeless cat populations. Alongside that, the committee also recommended that the New South Wales Government seek to amend the Prevention of Cruelty to Animals Act to clarify that trap, neuter and release programs are legal, to resolve that longstanding issue and to ensure that trap, neuter and release programs can also be enacted throughout New South Wales to reduce homeless and community cat populations.

It is not only cats but also dogs that end up in New South Wales pounds. The committee heard that a major cause of that is the factory farming of dogs in puppy farms as well as irresponsible backyard breeders, leading to an excess number of puppies and dogs that are being bred and then discarded and dumped in council pounds. The committee therefore made recommendations that the New South Wales Government take urgent action to end puppy farming—thankfully that has now happened—and to outlaw backyard breeding. Backyard breeding came up a lot in the puppy farm debate as a huge issue, and it is a huge issue. My office is contacted about it regularly. We are talking about unskilled or unqualified people breeding in their home, as well as accidental litters from a failure to desex animals.

Throughout the inquiry and at the pound site visits, the issue of dodgy backyard breeding came up continuously as a major cause of the overpopulation of animals in pounds. There was unanimous support to take action to stop this in New South Wales, and it is one of the strongest and most urgent recommendations from the inquiry. Other recommendations made by the committee include investigating ways to financially support lower income earners to ensure they are able to care for their animals, as well as addressing restrictive rental laws that prevent people from renting with animals. Unfortunately, very restrictive rental laws for renting with animals remain in place in New South Wales, and reform is still desperately needed.

It is a sad reality that some animals are ending up in New South Wales pounds simply because they require a major surgery that their carer cannot afford, or because their carer cannot pay for food for their pet during a tough financial period. That is why the Animal Justice Party has long advocated for the introduction of a "Veticare" system, to ensure each animal is able to receive the care they need, regardless of their family's financial situation, and so that no animal ends up in a pound or on death row, traumatised and separated from their family simply due to finances. The committee also made recommendations around the fees associated with companion animal registration, particularly in relation to cats, noting that it can also be a financial barrier for many people and may be a disincentive to register animals on the NSW Pet Registry.

The second part of the inquiry looked at how we can improve conditions in New South Wales pounds and support more animals to find their forever homes, with a view to ending the unnecessary killing of animals in pounds. The committee visited a range of pounds in Sydney and in regional and rural areas. It is fair to say that many of us were shocked to see the state of some of those pound facilities and the conditions in which those animals were being cared for. The conditions were well below community expectations and did not reflect good animal welfare. The staff we met with were doing all they could with the very limited resources they were provided, but it often left them stretched beyond capacity and struggling themselves with the mental strains that are placed on them. There is a huge turnover of staff at pounds, and it is easy to see why. Staff turnover is associated with its own animal welfare risks.

It became clear throughout the inquiry that the primary reason for poor care in New South Wales pounds is a lack of funding. We know that so many councils are struggling after decades of cost shifting, the impacts of rate caps and many other factors that make it difficult for many councils, particularly in regional and rural New South Wales, to be financially viable. I do not want to let councils off the hook entirely. I believe that many of them could make funding for their pounds a priority, which is consistent with community expectations. We heard the frustration from many rangers and animal care staff about how a lack of budget allocation can make it difficult to provide even the most basic care to animals, leading them to rely on rescue organisations to provide basic items like food and bedding for their animals.

Because our rescue organisations are over capacity, many pounds are relying on rescue organisations outside New South Wales to take in animals for adoption. While some councils were investing money to build new and much better facilities for the animals that come into their care, they were still struggling with the sheer number of animals being dumped. New facilities in the city and in regional areas are already over capacity. However, the reality is that most councils could never afford the major upgrades required to their pound facilities, including moving them out of tip sites, building additional kennels, setting up quarantine facilities and installing temperature controls so that animals do not freeze to death in winter or boil to death in summer.

At the end of the day, animal welfare is a State Government responsibility, and the State Government cannot continue to stand by while animals are being kept in these substandard facilities. In light of this, the committee recommended that the Government provide specific funding to council pounds to support the upgrading of pound facilities, ensuring councils are able to provide high-quality care to all animals. The committee recommended that the Government commission a report to determine the appropriate amount of funding required so that we can come up with a long-term, sustainable funding model. The committee also called on local councils to provide increased funding to their pound facilities where possible and supported requirements for councils to publicly report on their budget allocations towards their pound operations, to improve transparency and accountability.

Aside from this lack of funding, it became clear that another major reason why conditions in pounds in New South Wales are so poor is that there is virtually no regulation or oversight. The only standard that pounds may be required to meet is the boarding code, which is decades out of date, does not reflect modern animal welfare standards and, according to agencies such as the RSPCA, may not even be enforceable against pounds. We received compelling evidence, including from pounds, showing that there needs to be clearer standards for pounds to follow and more robust enforcement to raise the standard across the State. The committee made a suite of recommendations to address this regulatory gap, including that the Government develop an enforceable code of practice containing standards for construction of pounds, as well as the care and housing of companion animals in pounds. We recommended that this new code be coupled with routine audits and regular and unannounced inspections of pounds in New South Wales, to ensure that these new standards are being followed.

One specific issue that was raised throughout the inquiry was desexing and vaccinations and that many council pounds do not desex or vaccinate animals before they are rehomed with members of the public. This not only puts animals at risk of disease; it also risks them continuing to contribute to the overpopulation of companion animals, as they are likely to go on to have accidental litters, which in turn end up back in these overcrowded pounds. In light of this, the committee recommended that the Government introduce reforms to make it mandatory for pounds to desex and vaccinate all animals before they are adopted and to support councils to implement these reforms with appropriate funding.

Finally, I will talk about one of the most important recommendations arising from this inquiry—one that I think will have a massive impact on animal-rehoming rates—and that is for the Government to provide ongoing grant funding to rescue and rehoming organisations. We heard throughout this inquiry about the absolutely critical role that these volunteer-run organisations play in supporting council pounds. They do the lion's share of rehoming in New South Wales, taking in thousands of animals from councils every year and providing them with high-quality care, desexing, vaccinations and microchipping before taking the time to find them loving homes. It is fair to say that, without the work of these organisations, euthanasia rates in New South Wales would be dramatically higher.

Despite this, these charitable organisations currently receive no government funding. The Coalition Government provided a one-off \$5 million grants program for rescue organisations in 2022, which is the only funding this sector has ever received, and it was not renewed by NSW Labor in its latest budget. This bare-minimum funding is desperately needed if these rehoming organisations are to continue to do their critical work. I note that many of them are struggling to keep their doors open amidst the cost-of-living crisis and the growing number of animals that need their help.

The Government has since published its response to the report, which has deferred consideration of many of the recommendations to the review of the Companion Animals Act. I look forward to continuing working with the Minister and his office on these important issues and urge them not to delay taking action, particularly around critical matters such as the funding for these animal rescue organisations, who are doing the lion's share of the work, with very little money. It must be made a priority in this year's budget. Lives of animals are on the line. The longer we delay, the more lives will be lost. I commend the report to the House.

**The Hon. PETER PRIMROSE (18:23):** The committee presented its inquiry into pounds in New South Wales in October last year, and the Government presented its response in December. I will briefly touch on a few of the important matters in the report. I particularly comment on the commitment of all members of the committee. We visited many pounds in many areas and met with many community organisations and councils. I particularly

commend the chair, the Hon. Emma Hurst. She was fair and reasonable, and the committee members had the opportunity to gain a real insight into issues facing this whole area, so I thank her for her chairing. The report from the inquiry contains four findings. They are:

**Finding 1**

That New South Wales is facing an animal rehoming crisis, with pounds and rescues severely underfunded and over capacity.

**Finding 2**

That many pound facilities in New South Wales are sub-standard and not fit for purpose, and fail to meet community expectations for animal welfare.

**Finding 3**

That the current pound system relies heavily on rescue and rehoming organisations to rehome animals.

**Finding 4**

That a large number of animals are still being killed in New South Wales pounds, which is unacceptable.

The report contains 24 recommendations, including two specific recommendations that were made for the Office of Local Government. Recommendation 11 states:

That the NSW Government, in consultation with the rescue and rehoming organisations and other key stakeholders, enhance and standardise annual reporting of pound data to the Office of Local Government, including by requiring council pounds to collect and report on the reasons for animal surrenders.

Recommendation 24 states:

That, in addition to Recommendation 11, the NSW Government make the following revisions to annual reporting of pound data to the Office of Local Government:

- the reason for euthanasia currently classified as 'feral/infant' be split into 'infant' and 'behaviour'
- report reasons for 'owner-requested euthanasia'
- report reasons for animals being classed as 'unsuitable for rehoming'.

Other recommendations fall within the companion animals policy remit, including certainty around the provision of grants to rehoming organisations, registration processes for cats, education programs around companion animals and lifetime care, increased funding for pounds, and clarity around councils' obligations under the Companion Animals Act. As I indicated, the Government has responded, and I will leave honourable members to go through what is a very detailed response.

Essentially, the inquiry was an important opportunity to consider how pound services in New South Wales function, identify factors impacting their effectiveness and look at options available to improve outcomes for companion animals. The Government agreed with the committee's findings that animals need to be prevented from entering the pound system and that it is fundamentally an objective of the Government to minimise the number of animals entering pounds and shelters in the first instance while ensuring optimal outcomes for those that do. Pounds should be a last resort when owners are no longer able to care for their pets or manage them appropriately.

I finish by saying that it struck me, when we were dealing with those involved with local government, with those involved in community organisations or with pet owners who for various reasons were unable to keep their pets, that all of these people had a significant emotional investment in and commitment to animal welfare. That needs to be recognised and supported at the heart of whatever actions the Government, local governments and community groups take in the future. I look forward to continuing to look into this issue, to being involved in a number of other inquiries, including our current inquiry into cat management, and to ensuring that we put the concerns of animals and those people who care for animals at the forefront of this policy area.

**Debate adjourned.**

*Business of the House*

**POSTPONEMENT OF BUSINESS**

**The Hon. CAMERON MURPHY:** On behalf of the Hon. Peter Primrose: I postpone committee reports and Government responses order of the day No. 6 until the next sitting day.

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

*Bills***SOUND NSW ADVISORY BOARD BILL 2024****Second Reading Debate****Debate resumed from an earlier hour.**

**The Hon. JACQUI MUNRO (20:01):** Earlier in the debate I foreshadowed that the Opposition would be moving amendments. I will quickly outline those for the benefit of members. The Opposition will propose that two members of the board must be artists, not just one; that the bill be more specific about the definition of "artist" so that there is clarity for the industry and so that respected and experienced voices are in the room where policies, recommendations and strategies will presumably be devised; and that "artist" means a professional songwriter, musician, DJ or recording artist who has at least three years professional experience in the creation, performance or recording of music and either has a demonstrable body of work as professional songwriter, musician, DJ or recording artist or has otherwise made a significant contribution to the music industry. The Opposition thinks that these amendments are pretty uncontroversial.

The industry is sometimes considered quite top heavy, particularly with the other committees and leadership frameworks that I already have mentioned, including Screen NSW and the Creative Communities Council. Often representatives have the power of large organisations behind them that might have a commercial interest, so the Opposition wants to ensure that on a board like this, if one is to be legislated, there are grassroots members of the community who are embedded in their craft and who represent the real struggles, desires and dreams of our music industry. That is our major proposal.

I note that although the bill includes a regional representative, who may or may not be living in a regional area at the time but has some sort of demonstrated experience advocating for regional areas, there is criticism amongst the music industry that this Government has been far too focused on urban areas and is neglecting the rich tapestry of creative communities and culture in the bush and regional areas. The shadow arts Minister in the other place is the member for Tamworth. His electorate hosts the Tamworth Country Music Festival. Events like this and the Byron Bay Bluesfest are real hubs of activity, but smaller organisations may not get the same kind of coverage as the big, well-established events and organisations.

I would love to clarify, perhaps in the Committee stage, the Government's intention for the way that each member of the board is allocated and whether an individual board appointment may tick a number of the boxes that are required for representation. Can one board member be the community radio representative and at the same time be the regional representative, or will those positions be discrete and individual? I suggest that it is not ideal if one person ticks the majority of the boxes that are required to fill out the diversity component of the board, leaving the rest of the members entirely up to the discretion of the Minister. That would not achieve what I think are the aims of the board. This would risk quite a big governance problem, where one person may have been appointed for their expertise and background in all of these different areas but, as one person, may not be able to advocate strongly enough for what they should be advocating for individually. They may then have to make an individual choice about what they should prioritise, rather than having a range of views presented to the board to consider. It would be good to get some clarification from the Government on that.

The board should be empowered to report independently to Parliament on the activities of the Government, from funding to outcomes and engagement with the sector, to ensure that this body can truly demonstrate some forward momentum, honesty and clarity; that it is not captured by the people who appoint its members—the Minister, whomever that may be; and that it is clear that this body is at the service of the people of New South Wales and the industry and not a single Minister. I noted before that the bill is part legislation and part regulation. My understanding is that the regulation is designed to allow more flexibility for the board composition to be changed, if desired, because of a change of heart or if there is a reason that it is not working as it should. The Opposition proposes a way to review the appropriateness of the board's composition when, for example, a board member finishes their term and that the rest of the Parliament and shadow Ministers can engage in that process to understand if the board is serving the community appropriately.

The fact that this is a whole new piece of legislation, as I said before, is slightly puzzling. There are already opportunities, like through the Entertainment Industry Act 2013, for bodies like this advisory board to fall under a regulation. Bodies like the board of Screen NSW were created through a regulation that included its functions and representatives. Doing the same in this bill would allow the whole functioning of the board greater flexibility, not only for the membership requirements but also for how they engage with government and the tasks they are responsible for.

I mentioned the Creative Communities Council, which represents a range of organisations that will also be represented in Sound NSW. There are questions about how all of those committees will intersect and interact.

Will they be duplicating work? How will this be avoided? Why is the advisory board not a sub-committee, for example, of existing structures, which would give continuity of policy, stakeholder engagement and strategic input? There are still questions to answer there. Obviously we will be speaking more in the Committee stage. Despite those questions we are still, as I said at the beginning, very committed to seeing the music industry thrive. We will be interested to see how and if this legislation turns into real results for the music community. That is who we are serving. As I indicated, we will support the bill and will move amendments in the Committee stage.

**The Hon. MARK LATHAM (20:09):** I have watched carefully over the past two years the work of Minister Graham, our El Supremo in entertainment, who has taken hold of creative arts, the night-time economy and the music industry—a whole range of activities that have left me wondering: What useful role can government actually play? I think the Minister has made the mistake, which is reflected in this new advisory board, of applying the old, failed doctrines of industry policy in a new way to these new industries previously untouched by government. I have never been a supporter of industry policy and centralised planning by government for a range of reasons to do with economic theory. The most practical demonstration of it, and one relevant to the Minister himself—I am sure he will understand this little parable—were the words of the great Paul Keating. He said that when he first arrived in Canberra in the late '60s and early '70s, he would sit in the dinner break with crusty old members of the socialist left, planning new five-year structures.

**The Hon. Mark Buttigieg:** A five-year plan.

**The Hon. MARK LATHAM:** Five-year plans for the steel industry and the automotive industry in Australia. They all had plans—five-year, centralised planning for every single industry in the country. The young Keating from Western Sydney astutely thought, "These old buggers struggle to fill out their travel allowance accurately, let alone have the capacity to know what to do with industry planning." He worked out, certainly post-1983, that the market economy always knew more than any politician, any government bureaucrat or any central planner about the workings of these diverse, complex market functions.

In his second reading speech the Minister indicated that he is allocating \$103 million to the music industry, presumably through the advice of this new Sound NSW Advisory Board. He said:

Sound NSW has already delivered \$15.1 million of funding to artists, business and music organisations. This funding has supported 179 artists, acts and managers to tour domestically and internationally and attend industry events ...

This is a version of picking winners. It is a failed industry policy being applied to musicians. Members have to wonder about the efficiency and equity of those funding allocations. Does a music act based in New South Wales that is touring internationally need government support in a cost-of-living crisis? I would have thought that if one has gigs overseas, then they have established a music reputation that carries them commercially in their own right without the need for public subsidies, the total of which is \$103 million through the term of this Government. The Minister goes on to say that the funding is not just for music performances but also for industry events—one assumes seminars and conferences. Whether that is domestic or international is not specified by the Minister.

I do not think that, in a cost-of-living crisis, we should be wasting scarce public resources on people going to music conferences and seminars. The picking of winners always has this problem. What starts as a well-intentioned, noble idea lapses into bureaucrats, politicians and Ministers never knowing as much as the music industry itself as to what is viable, who are the promising musicians that might need some start-up support and who are the battlers that would be more deserving of this kind of government assistance than those who already have an international performance reputation.

In his second reading speech the Minister went on to say that the Government has subsidised 59 artists to record and promote new music, 21 live music venues to undertake soundproofing upgrades and 21 music organisations to undertake key industry development initiatives. One of the great generalisations of industry policy is always to fund "the key industry development initiative". It is so nebulous, unknown and vague that nobody really knows where the money has gone. I swear that every single industry policy that has ever been developed by a Labor Minister has always involved the funding of key industry development initiatives.

That aside, who is picking the venues that have the soundproofing? In the past, Minister Graham has railed accurately and successfully about pork-barrelling. I will have to put a question on notice to get the location of these soundproofing upgrades, to find out their geographic and electoral distribution across New South Wales. I hope it is not interstate or even international, like some of the other funding. I assume it is in our State that certain selected venues have had soundproofing upgrades. And 21 organisations and businesses have undertaken the key industry development initiatives—well, of course they have. I would be shocked if they had not.

I do not know why the Minister has gone down this path. I spent a productive period, perhaps too lonely and hopeless in my activities, looking up in his curriculum vitae. I saw that he was a political economy student at the University of Sydney, where they taught industry planning. It was taught to me, and I rejected it. It was taught

to this Minister, and he has embraced it. He is applying it not just to the music sector but also to the arts in general and the night-time economy. I think we will also come to that in the next initiative of our old central planner over here: the Creative Statement to Parliament. We all look forward to that!

**The Hon. John Graham:** You often make a creative statement to Parliament.

**The Hon. MARK LATHAM:** I am making one now, and the Minister would be well advised to learn from it. We are not only going to have a Creative Statement to Parliament, but it will be legislated. People risk breaking the law if they do not have it. If it is not creative, I suppose they break the law twice. We will come to that. It is not just central planning. Another thing is that it is back to centralised wage fixing, which Keating helped to get rid of. Labor had a policy, I found out in my extensive research at the last election, to make it mandatory that musicians receive a minimum fee if they play at events that receive public funding. It was stated:

If it wins the state election in March, the Opposition said it would ensure musicians were paid at least \$250 each for their performance.

The requirement would be a condition of a contract entered into by a commercial entity when it accepts a government grant for a show or event.

So it is back to centralised wage fixing. I would like to hear from the Minister in his reply on this legislation whether that policy is being implemented. Does the Government now have contracts with organised commercial entities—one would think that commercial entities could stand or fall in their own right—where they are obliged to engage in the \$250 payment, having used government funds? Does this apply to the President of the Legislative Council and the chamber music he puts out at Parliament on a Wednesday? He might have them on sweatshop wages. Has the Minister applied it in this Parliament and to our President? I do not support centralised wage fixing.

**The Hon. Mark Buttigieg:** What about a minimum?

**The Hon. MARK LATHAM:** I support a minimum wage, of course. Any decent society would have a minimum wage, but that is not what we are talking about here. It does not apply to every commercial music organisation across the board, only those receiving public funding. And why \$250? Has that policy been implemented? Is it written into all contracts or has it been selectively applied? The Minister has a few points to answer. The advisory board is not a big deal, but it is indicative of a centralised planning approach that has failed in the past and, for these new industries, will fail again.

**Ms CATE FAEHRMANN (20:18):** As The Greens spokesperson on music and the night-time economy, I speak to the Sound NSW Advisory Board Bill 2024. The Greens support the bill, but we flag that we will make key amendments to ensure that it serves the contemporary music industry effectively and equitably. The bill seeks to establish the Sound NSW Advisory Board in legislation, providing advice to the Minister on the music industry in New South Wales. The board's composition of between eight to 11 members appointed by the Minister, along with its functions and other structural elements, will be set out in law.

Sound NSW was an election promise by the Labor Government alongside a \$103 million investment. It was established in 2023 as a non-statutory advisory board under the Department of Creative Industries, Tourism, Hospitality and Sport. The current board consists of 12 members selected through a mixed process of direct ministerial appointment and an expression of interest process. However, concerns remain regarding the diversity of board appointments. A recent budget estimates hearing revealed that only two practising musicians currently sit on the board—one from a hip-hop background and another from an electronic music background. Concerns also remain around transparency. Out of 15 working musicians provided for consideration, only two were chosen, and only one board member is based outside of Sydney.

Sound NSW's influence in shaping Sydney's night-time economy is growing. The recently passed 24-Hour Economy Legislation Amendment (Vibrancy Reforms) Bill 2024 names Sound NSW as an approved body for mediating development application disputes. Sound NSW was allocated \$31.2 million in the 2023-24 budget, of which approximately \$18 million was spent. The slow expenditure was attributed to the complexity of setting up new programs such as Venues Unlocked, which supports venues in securing acoustic assessments and funding. To date, Sound NSW has commissioned the *State of the Scene 2024* report to assess the New South Wales live music industry, added soundproofing to 21 music venues, begun to develop the 10-year Contemporary Music Strategy and allocated grants to industry applicants. In that process, approximately 600 applications were received, but only 59 were successfully funded.

For this year, Sound NSW has been allocated \$18.5 million, with \$10.6 million earmarked for grants, \$5.1 million for staff costs and \$2.8 million for operational expenses. I understand that there are currently 10.2 full-time-equivalent staff. That is a lot of money for 10.2 full-time-equivalent staff. I headed up the Nature Conservation Council, and I feel like we had a few million dollars for 25 staff. That is extraordinary and probably warrants more questioning at budget estimates. The Greens support a statutory board for Sound NSW, but we



think that it is a missed opportunity if the bill is not amended to ensure that the Sound NSW Advisory Board has diverse representation that best reflects the State's incredible music scene.

Unfortunately, the eligibility criteria outlined in the bill fall short of reflecting the true breadth of the contemporary music industry. I will move amendments to try to enhance the diversity and representation of the board make-up—for example, by increasing First Nations representation—and other amendments regarding the composition of the board. I note that the Opposition will be moving amendments around the definition of "artist" in the Act and ensuring that at least two artists are on the board. The Greens signal from the outset that we will be supporting those amendments and will be looking at similar amendments. I will also move an amendment to ensure that the composition of the board is reviewed every three years and that at least one member of the board is a current member of the relevant union, the Media, Entertainment and Arts Alliance.

The New South Wales music industry is vast and diverse. It employs over 280,000 people in the creative industries, with the live music sector alone supporting more than 25,000 jobs. We must ensure that Sound NSW reflects that diversity. By doing so, we better ensure that it truly represents and supports the artists, industry professionals and regional communities that it has been set up to serve. Sound NSW is not just a Sydney government agency. I acknowledge that the bill is a step in the right direction, but we need to make sure that Sound NSW does not become another bureaucratic body that fails to truly represent the industry it serves. It is important that it remains transparent and diverse and, importantly, that the Parliament continues to get updates about whether or not it is working.

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (20:23):** In reply: I thank members for their contributions. The Government regards the Sound NSW Advisory Board as an important committee. The debate has fleshed out a range of views about that, and I will respond to some of those in turn. The Government wants to formalise the board, above all, to make sure that it is there for the long term, because the Government wants the music industry in New South Wales there for the long term. I place on the record my thanks to the current members of the board as it was established in its first year in a non-legislated form. We have been lucky to have many members of the national music industry step in to serve on the board—some of the most senior industry people, who have taken the view that if you can get New South Wales back on track, it will be of significance to the national music industry. We have been grateful and lucky as a State to have them willing to serve in those roles. I will not name them, but I thank each of them.

I turn to the contributions to the debate. Firstly, I thank the Hon. Jacqui Munro and the Opposition for their support. I agree with her that it is a feel-good bill. We are on common ground there. It is certainly not busy work, though. I do not accept that description. The Hon. Jacqui Munro and Ms Cate Faehrmann talked about the representation on the board. I was open to where members were going. One of the challenges is having a board that is small enough to be able to provide an advisory role in a sensible way but making sure that it is big enough to be diverse and represent the incredibly diverse industry. That has been a challenge. I would have been happier to accommodate some of the quite sensible requests from members if we had been able to have a bigger board. The advice to government, including from Sound NSW, was the concern about that making it hard for Sound NSW to do its job. It needs a functioning advisory board to be able to do its work. That has been one of the challenges. I acknowledge the views of members but place that advice on the record.

The goal is longevity. The board is operating well, but the Government wants it to operate for the long term. There is bipartisan support for the industry and the board, but not so long ago there was a war on the music sector in New South Wales. The Government wants the board in the law for the long term to protect the industry. The comparison to Screen NSW is a good one. In fact, that is where the idea came from. There is a film and television advisory board, and this is the equivalent for the music sector—a commercial but creative sector. In the same way that the screen sector has had this sort of support at a State and Federal level for a long time, we now do the same for the music industry, an industry that has not had the same support or organisation. It should prosper as a result, as the screen industry has. The Government intends to continue to legislate in this area.

Following questions from the Opposition, I advise the House that the Government will come back with additional legislation in the screen area to strengthen the support for screen in New South Wales. We will be looking to spell out more clearly the expectations of State agencies and local councils in working with the screen sector and looking at the screen advisory functions to make sure they are up to date for a fast-moving industry. There are changes that can be made. I advise members that that is a consideration for the Government. In addition, I place on record the Government's thanks to the shadow Minister for the Arts and Heritage, Mr Kevin Anderson, who, along with the Hon. Jacqui Munro, has been heavily engaged in discussion on the issue.

I will come to the Hon. Mark Latham's intriguing comments last. I thank Ms Cate Faehrmann for her contribution. I again acknowledge her as a supporter of the sector over a long period of time. She argued the case for diversity and review. The Government is open to the review function, which was also raised by the Opposition.

That is sensible, so the Government is open to those changes. I will discuss the other amendments in Committee. It was a characteristically entertaining contribution from the Hon. Mark Latham, though, with his accusations of industry policy. They are not far off the mark, although I will give him some comfort in that regard.

This set of Government interventions is aimed at lifting an industry. But this is a very independent industry. It is a disaggregated industry, it is a commercial industry and it is a market, and we are not seeking to produce a subsidised market. We are not seeking to produce an industry that cannot stand on its own two feet. That is why many of the interventions in this space have actually been to reduce regulation, to look at what we are doing to stop this sector from operating and to ask why the State is walking into venues and saying, "Tear down your mirror ball," or, "This genre or that genre cannot be played in New South Wales." That was the law when we came to government. By any assurance, I place that on record.

Firstly, this is actually a red-tape reduction agenda in many senses. Secondly, many of the most successful interventions have been regulatory and not financial. The best intervention that this House made was when it voted to say to venues, "If you're not a pokies venue and not an alcohol venue but a venue that is putting music on your stage, we will cut licence fees by 80 per cent and we will let you trade later." That regulatory intervention has more than doubled the number of venues with music on their stages. In fact, we are heading to three times the number of venues in this State with music on their stages. These are heavily regulated industries. It is legitimate for the House to tip that regulation in one direction or another, so why not tip it in favour of music?

There are two challenges: to lift the grassroots and also to export. We will work closely with the Federal Government on the export challenge. That is more of a role for Federal than for State. But there is a role for the State to make sure that our artists are export ready. MPs should not choose who those artists are. I make it clear that, as the Minister, I am not involved in choosing who gets the soundproofing and who the artists are. The more artists that can be in the industry, the better. They know what is going on, and that should be the model. The industry should back the momentum, rather than some sort of political interference. That is a hugely important point, and one that was well made.

I refer to the issue of wage fixing. My colleague put it well. This is about having a minimum wage. It does not apply across the board. I agree with that. We probably cannot afford to do that as a State. We would send venues bankrupt. But this is an attempt to say that, if taxpayers are putting an event on, the public expectation is that the musician performing on stage for the public with taxpayer money is actually getting paid a little bit of money. The \$250 payment acknowledges the time to practise, get there and perform, as well as equipment costs. That is a minimum wage. It does not apply across the board. That is entirely correct. But it is an intervention along those lines.

**The Hon. Mark Latham:** Has it been introduced? Is it in all the contracts?

**The Hon. JOHN GRAHAM:** It is starting to be introduced. We have committed to doing it over the term. It is already operative in some places. I am informed that the Parliament is making sure that musicians in New South Wales are being paid appropriately, for example. The bill is an intervention to try and gently lift musicians in this State. It is a fascinating set of questions and objections. I assure members that this is not an attempt to centrally plan the music industry. That would be a disaster. Imagine what we would be listening to if that was the case.

The bill is an attempt to lift up this commercial industry and let it thrive after it has been heavily regulated and, in fact, heavily attacked at times. I would describe this as microeconomic reform. This is in the Keating tradition. That is my view about some of the interventions that the State has made to tilt regulation in a way that actually helps this diverse, active and independent sector. That is the focus. If members have suggestions about how best to do that, the Government is all ears. That is the goal. It is certainly not to have the Chamber, the Minister or the Government choose what music New South Wales citizens listen to. In fact, we fought those interventions wherever we found them.

I thank the Sound NSW Advisory Board members, Emily Collins and the whole Sound NSW team for all the work they have done. Not only have they completed some of the programs that members have talked about but also the Government has adopted the 10-year Contemporary Music Strategy. If we follow that plan not to intervene but to lift up what is already happening on the ground, we will have a much stronger music industry in a decade. I commend the bill to the House.

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

**Motion agreed to.**

### In Committee

**The CHAIR (The Hon. Rod Roberts):** There being no objection, the Committee will deal with the bill as a whole. There are two sheets of amendments: The Greens amendments Nos 1 to 3 on sheet c2025-016C and Opposition amendments Nos 1 and 2 on sheet c2025-011B.

**Ms CATE FAEHRMANN (20:38):** I move The Greens amendment No. 1 on sheet c2025-016C:

No. 1      **Review of composition of Board (consequential amendment)**

Page 4. Insert after line 6—

#### 9A      Review of Act

- (1)      The Minister must review the operation of section 6(2) and regulations made under section 6(2) to determine whether the composition of the Board remains appropriate for—
  - (a)      representing the contemporary music industry in New South Wales, and
  - (b)      otherwise achieving the policy objectives of this Act.
- (2)      The review must be undertaken as soon as possible after the period of 3 years from the commencement of this Act.
- (3)      A report on the outcome of the review must be tabled in each House of Parliament as soon as practicable after the end of the period of 3 years.

Amendment No. 1 inserts into the Act a provision for the Minister to review the part of the bill that establishes the composition of the board. The bill cements the make-up of industry representation and direct access to government.

It will be a powerful board, so the appointments to that board are a big deal for people in the industry. The decisions made by Sound NSW will be big, so it is important that the Minister ensures that a review happens and also that the review comes to Parliament. The object of the bill is to assist, promote and strengthen the contemporary music industry in New South Wales by establishing the Sound NSW Advisory Board to advise the Minister. The amendment requires the Minister to ensure that the composition of the board appropriately represents the contemporary music industry in New South Wales and achieves the policy objectives of the bill. I have discussed the amendment with the Opposition and Government. I hope it is supported because it is very reasonable and important.

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (20:40):** The Government supports the amendment. As I indicated in my second reading speech, it is sensible to review the board along the way to see how it has worked. Our views should not be fixed, and it is important that this committee is longstanding, but that does not mean that the committee, in establishing what is a very new board for the State, should not look at it periodically to see if it is working.

**The Hon. JACQUI MUNRO (20:40):** The Opposition will also support the amendment. Transparency and accountability mechanisms are important when setting up new organisations. The review will be tabled in the next term of government, so a new government may possibly review that. I live in not only hope but also hard work to get there. We have already spoken about the importance of ensuring that the board is functional. It will have responsibility for potentially hundreds of millions of dollars over the next three, five or 10 years, so it is important that there is a mechanism by which the Parliament can ensure it is working. We must also ensure the best expenditure of taxpayer money while realising the aims of the bill. This is all in legislation, and the Minister knows as well as I do that a new government can change legislation, if it so wishes, with the majority of both Houses. If the Sound NSW Advisory Board is to be legislated, then this mechanism is reasonable. The Opposition will support the amendment.

**The CHAIR (The Hon. Rod Roberts):** Ms Cate Faehrmann has moved The Greens amendment No. 1 on sheet c2025-016C. The question is that the amendment be agreed to.

**Amendment agreed to.**

**Ms CATE FAEHRMANN (20:42):** I move The Greens amendment No. 2 on sheet c2025-016C:

No. 2      **Composition of Board**

Page 7, clause 4, lines 14–25. Omit all words on the lines. Insert instead—

Of the members appointed under subsection (1)—

- (a)      at least three members must have significant industry experience in one or more of the following—

- (i) live music,
- (ii) music festivals,
- (iii) music production,
- (iv) music publishing,
- (v) artist management, and
- (b) at least two members must reside or work in regional or remote New South Wales, and
- (c) at least two members must be an Aboriginal person or Torres Strait Islander, and
- (d) at least one member must have qualifications or professional experience in music education or curriculum development or community music programs, and
- (e) at least one member must have expertise in law, finance, business or community development, and
- (f) the other members must have skills or experience the Minister considers relevant to the functions of the board.

This amendment deals with the composition of the board. There was a lot of discussion about that during the second reading debate on the bill. Compared with the current bill, the amendment is a lot more specific about the composition of the board. That is a result of discussions with a number of people in the industry. It is interesting that people from the industry have approached us with their concerns. I understand they have also approached the Opposition and certain crossbench members, but they do not want to go public with those concerns or put their name to a letter from the industry or the organisations they represent. That is a pity because there is a sense that if they do that then—

**The Hon. Jacqui Munro:** Retribution?

**Ms CATE FAEHRMANN:** Potentially. I acknowledge that interjection. People do not want to put their names to their suggestions to amend any legislation that relates to music, and that same situation applies to this bill. The amendment has come about after several stakeholders suggested that the amendment would increase the diversity of the Sound NSW Advisory Board. Currently the bill only requires one First Nations representative on the board. The Greens and other stakeholders believe that is inadequate. The amendment therefore suggests that at least two board members must be Aboriginal or Torres Strait Islander. The First Nations music that is coming out is incredible. Last year it dominated the Australian Recording Industry Association Music Awards, and this year also it played a significant role.

As was mentioned, regional New South Wales is under-represented on the board. The amendment proposes that at least two members of the board must reside or work in regional or remote New South Wales to ensure statewide inclusivity. A lack of regional representation on the Sound NSW board has been noted. There is so much going on in music in regional New South Wales and outside Sydney, yet at the moment Sound NSW seems to be very Sydney centric. There should also be a requirement that the make-up of the board includes members with significant industry experience across key sectors such as live music, music festivals, music production, music publishing and artist management.

The Greens also believe that music education is a vital part of the industry. That is often overlooked. Therefore, the amendment states that at least one member should have qualifications or professional experience in music education, curriculum development or community music programs. I note that the wording is slightly different to the wording in the bill. Finally, the amendment will ensure accountability by requiring that members of the board have the right level of governance experience. At least one board member should be an independent director with expertise in law, finance, business or community development. They do not necessarily have to have experience in the music industry; they may come from outside it.

I understand the Government will not be supporting the amendment. I believe it should be worth supporting given that various stakeholders have suggested to members of Parliament that it would help address their concerns about diversity. I commend the amendment to the Committee.

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (20:47):** I will respond briefly on behalf of the Government. The suggestions in the amendment are sensible, but they would legislate multiple requirements and layers, which may make it very difficult to stitch together a board that can work together given the size of the board that is envisaged in the legislation. It is a very diverse industry, so it is very hard to pick a small number of people who might represent it. But to tighten that up with such a level of specificity would make it further difficult. That is the only objection the Government has, but it is a significant objection.

We want a board that is functional and that can intervene, and that is not only about who they are representing but also about the individuals who serve on the board. I take this discussion and the second reading debate as good guidance about who members want to see on the board. Those suggested appointments are entirely appropriate to take into account. The Government will seek to hit many of the goals that members have articulated in their specific amendments, but that is different to requiring them in law.

**The Hon. MARK LATHAM (20:49):** The Greens amendment is very prescriptive, but it does hold, in at least one part, some guidance that the Minister would be well advised to follow. Overall, diversity, equity and inclusion policies are dying a steady and welcome death around the world, for obvious reasons. A second principle to follow in putting people on the board is that one of the failings of old industry policy has always been that, if you put people involved and commercially interested and compromised on these boards, you inevitably end up with rent-seeking and special pleading rather than an independent approach. I welcomed that the Minister said that much of this is to be deregulation. Deregulation is cost free. Deregulation does not rely on the expertise of bureaucrats and politicians. It frees up markets, by which industry participants with a commercial interest can do the best thing for themselves out of self-interest, which is a great driver of commercial success. So the board should not be overloaded with people with a commercial interest or who are active in the music industry. The Greens amendment states in subclause (e):

at least 1 member must have expertise in law, finance, business or community development, and

They are such broad areas of expertise that you would need the universal man or woman to cover each of those areas, but perhaps in relation to business and finance the Minister could consider putting on the board a representative of the productivity commission, which is there for the purpose of productivity, driven mainly by the economic, rational principle of deregulation. It would be good in advising. It has been set up in the Treasurer's department. It is an agency of specialists and experts on the sort of deregulation beyond the mirror ball and beyond the opening hours—and so much more deregulation in this industry is necessary.

The Minister would understand this, but we all need to appreciate that the issue is not only licensing hours, permits, noise and people trying to close down venues that were there first. There is associated regulation that helps to put the squeeze on and, in some cases, to kill the music industry. Much of it is to do with the enjoyment of the whole-of-night experience, including with the drinks you can buy. I came across it on Saturday. In New South Wales a perfectly sober person—old mate next to me—goes to the bar and orders three Scotch whiskies on the rocks and is told, "No, you cannot do that. You need to have a mixer." So he orders the mixer to be water. How absurd, how kooky, how nutty in a modern society. The mixer is water, when the ice was going to melt anyway. These regulations from the Independent Liquor and Gaming Authority are way over the top.

So I think that this advisory committee would be well advised and useful in broadening its recommendations for deregulation not just about the specific interests and licensing of the music industry but also the government regulations that cover music venues, which are just strangling so many places out with stupidities like the one I just cited. A perfectly sober person has to mix in water when the ice is melting anyway. Who invented this stuff? I will tell you who: an old industry policy advocate, who said, "I know best about how people drink." This is the benefit of freeing up adults to do adult things in a sensible way. The benefits of a whole-of-venue deregulation approach would be fantastic for this industry.

**The Hon. JACQUI MUNRO (20:52):** The Opposition will not be supporting this amendment. The Opposition raised a number of these suggestions with the Minister and was satisfied that the intention of the board would still be served with the existing list of requirements for membership, that the complexity of the board may hinder its operation and that there is enough oversight so that we can continue to monitor the successful undertakings of the board and its activities and what it is doing. Therefore, we will oppose this amendment.

**The CHAIR (The Hon. Rod Roberts):** Ms Cate Faehrmann has moved The Greens amendment No. 2 on sheet c2025-016C. The question is that the amendment be agreed to.

**Amendment negatived.**

**Ms CATE FAEHRMANN (20:54):** I move The Greens amendment No. 3 on sheet c2025-016C:

No. 3      **Composition of Board**

Page 7, clause 4. Insert after line 25—

(2)      At least one of the members must be a current member of the Media, Entertainment and Arts Alliance.

This is a simple amendment. It just ensures that, regardless of who the members are and the composition of the board—and we now know what that will be—at least one of the members is a current member of the Media, Entertainment and Arts Alliance, which union advocates for the rights of musicians and other creative professionals in the music industry. Hopefully, there will be more than one member of the union on the board.

I have had conversations with the Government about this, and I appreciate the open way in which the Minister and his office approached my amendments, in the spirit of seeking consensus and getting agreement across the Parliament on this. I commend this amendment to the Committee.

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (20:55):** The Government will be supporting this amendment and will also be supporting an Opposition amendment in relation to the nature of the board. We are happy to constrain it in some ways. The Government has no objection to this suggestion, obviously. The Government's position is that we just cannot constrain everything. With that in mind, we are happy to support this amendment. With the indulgence of the Committee, I will not dwell on it long, but the idea of engaging the productivity commissioner in this agenda is an excellent one and one the Government would be open to.

**The Hon. JACQUI MUNRO (20:56):** We are not supporting this amendment, simply because we have all these other requirements we have just not supported, knowing that there was goodwill from the Government to introduce such diversity as it saw fit at the time. Obviously, this is part of a regulation rather than the legislation, so amendments may be made more easily to the composition of this board, so we look forward to seeing how it plays out.

**The CHAIR (The Hon. Rod Roberts):** Ms Cate Faehrmann has moved The Greens amendment No. 3 on sheet c2025-016C. The question is that the amendment be agreed to.

**Amendment agreed to.**

**The Hon. JACQUI MUNRO (20:57):** By leave: I move Opposition amendments Nos 1 and 2 on sheet c2025-011B in globo:

**No. 1 Eligibility requirements for members of Board**

Page 7, Schedule 2, proposed section 4(a), line 15. Omit all words on the line. Insert instead—

- (a) at least 2 members must be artists, and

**No. 2 Definition of artist—consequential amendment**

Page 7, Schedule 2, proposed section 4. Insert after line 25—

- (2) In this section—

*artist* means a professional songwriter, musician, DJ or recording artist who—

- (a) has at least 3 years professional experience in the creation, performance or recording of music, and
- (b) either—
  - (i) has a demonstrable body of work as a professional songwriter, musician, DJ or recording artist, or
  - (ii) has otherwise made a significant contribution to the music industry.

These amendments are to ensure that artists are at the heart of this board and its functions and what it represents. As has been mentioned a number of times, often the industry as a whole or as individual bodies can prioritise loud voices. These amendments are to ensure that artists remain at the heart of the functions of the board of Sound NSW, with at least two members being artists. "Artist" is defined as someone who is a professional songwriter, musician, DJ or recording artist who:

- (a) has at least 3 years professional experience in the creation, performance or recording of music, and
- (b) either—
  - (i) has a demonstrable body of work as a professional songwriter, musician, DJ or recording artist, or
  - (ii) has otherwise made a significant contribution to the music industry.

I note that this is to change the regulation from saying that at least one member must be a professional music creator. Our view is that "professional music creator" is somewhat undefined or a bit of an unclear term. It is not something that is familiar, we would suggest, to the music industry or the creative arts industry in general. So we are just being very clear about what "artist" means and that we are doubling that representation in the board membership from one to two.

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (20:58):** The Government supports the amendments. There is a balance to be struck, particularly on this issue. If you think it is hard picking 12 people to represent this entire industry, it is especially hard picking one artist who

represents the diversity of artists. It puts a lot of pressure on that person to speak up too. Having two artists is probably a good step. It puts pressure on the rest of the balance of the board but, on balance, this is a sensible suggestion and one the Government is happy to back.

**Ms CATE FAEHRMANN (20:59):** The Greens support the amendments. It is interesting to hear the Government say that it is hard for one artist board member to represent all artists. Of course, it would be hard even for two. We initially put three members to the Government, with the Opposition having already drafted its amendments. I understand an agreement has been reached in relation to two. We will live with two. Certainly I would hope that a lot of the board members of Sound NSW would have experience in music and that maybe more than two would have at least three years professional experience in the creation, performance and recording of music anyway. The Greens are happy to support the two amendments.

**The CHAIR (The Hon. Rod Roberts):** The Hon. Jacqui Munro has moved Opposition amendments Nos 1 and 2 on sheet c2025-011B. The question is that the amendments be agreed to.

**Amendments agreed to.**

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

**Motion agreed to.**

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

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

**Motion agreed to.**

### **Adoption of Report**

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

That the report be adopted.

**Motion agreed to.**

### **Third Reading**

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

That this bill be now read a third time.

**Motion agreed to.**

## **CREATIVE STATEMENT TO PARLIAMENT BILL 2024**

### **Second Reading Debate**

**Debate resumed from 15 October 2024.**

**The Hon. JACQUI MUNRO (21:03):** The Creative Statement to Parliament Bill 2024 is a very interesting bill that is somewhat perplexing. It is unclear why it needs to be a bill at all. Again, this is all about good feels and not good facts. The fact is that this kind of legislation is not required for what it is trying to achieve. A creative statement to Parliament can be achieved by any government that wishes to introduce it. As I have already said this evening, legislation can be changed from government to government, obviously with both Houses in favour.

The bill legislates that the Government has to make a creative statement, but it provides a pretty odd range of definitions for arts and culture and the creative industries. I am curious about what the first creative statement will look like and what it will include because, while we have a multi-partisan approach to supporting the creative arts and music and whatever that might entail, I am not sure that the members of this House would understand the creative industries to traditionally include "creative innovation in the technology sector" or "creativity in the food and beverage sector", amongst other things. I just do not understand the intention behind the bill, to be honest, and I do not understand what "creative innovation in the technology sector" might be.

The fact is that we are all engaged in creativity in some way in our lives, whether someone is an engineer trying to solve a problem of building a new road over challenging terrain or whether they are trying to creatively express themselves in this place—as the Hon. Mark Latham has already given us an example of. The creative industries in this bill are so broad they include the technology sector, and the built and physical heritage sector. It is very unclear what the Government is trying to achieve in legislating this. At best, the bill could have been a regulation to allow some sort of flexibility. The purpose of the statement includes reference to economic impact,

number of jobs, summary of activities, and partnerships between the Commonwealth Government, local government and the private sector. There seems to be so much duplication in what this is trying to achieve.

Not only that, but it is also a static statement. The creative statement must be prepared and tabled in the House for each three-year period. The reality is that this is an old-fashioned way of looking at something that should be very dynamic and exciting. We do not need more static reports about creativity, particularly creative innovation in the technology sector. We should be looking to reports that are being updated every day, every week and every minute. We should be getting data about updates in culture, movement, economy and jobs that is actually related to the day-to-day proposition in New South Wales so that people can use that data for useful purposes.

By the time three years of data gets given to a Minister and then a creative statement is tabled a couple of months later, what is actually the point of all of it? Are we trying to help people or businesses, for example, or musicians? Are we trying to help an artist who wants to see the trends of different styles of music or perhaps which institutions audiences are visiting to create new cultural experiences? If that is the case, we should be doing something with the impetus of immediacy to ensure that creators and innovators, wherever they might be, are able to make the most of the information that we have now. It could be a business that needs foot traffic data, for example, on a high street. Perhaps it wants to open up a new franchise in a new town and wants to understand how people's spending habits are developing. There are better ways to allow people to understand what is happening in the landscape of the creative arts and the creative industries than another static report to a Minister and to Parliament.

The Office of the 24-Hour Economy Commissioner was trying to do this—create a live data tool that would allow us to plan and would allow individuals the power of their own analysis so they do not have to rely on government to feed it all out and to pick out the numbers that it thinks will be important. But what we got was a quarterly data report, which serves no function if you are trying as an individual to rely on growth or cultural trends in certain areas or create innovation in the technology sector.

I am perplexed, and I hope the Minister will have some clarification so that we can really understand the point of this bill and why it could not be done in a much more agile, innovative and creative way with the technology that we have. It is a perplexing bill. As I have said, the Opposition supports the creative arts and creative industries, so we will not oppose the bill. However, there are so many opportunities to improve functionality and give us an actual understanding of what the point is and then make something that delivers on that, rather than creating another static report.

**Ms ABIGAIL BOYD (21:10):** On behalf of The Greens, I indicate our support for the Creative Statement to Parliament Bill 2024. To be honest, we have been on a bit of a journey with this legislation. Similar to the Hon. Jacqui Munro, that journey started with an initial deep scepticism of the proposal contained in the bill of a supposed creative statement to Parliament. I saw it as legislating what is essentially a massive parliamentary public relations exercise of self-congratulation, which may well still be the case. Ultimately, I do not see any harm in proceeding with this legislation, because it simply requires the Government to prepare and table a report to Parliament every three years about the status of the creative industries in New South Wales, and that comes within the context of Labor's 10-year Creative Communities policy that it claims will revitalise the arts, culture and creative industries in New South Wales.

Having to hand in your homework and show your work when embarking on what is an important and transformative reprofiling of the importance of the creative industries in our society sounds like good and prudent government, on its face. With that in mind, the devil is in the detail, and we already have enough government glossies to know that there are reports that are not worth the paper they are printed on, as well as reports that are actually full of useful and actionable information. They are few and far between, but they do exist. In that vein, I thank the Minister and his office—in particular, his arts policy adviser, Clara Klemski—as well as the department for their collaborative approach on this legislation. We have been back and forth with feedback and suggestions on the legislation. It is an understatement to say that it was refreshing to have our feedback taken on board by the Government and reflected in the proposed amendments that it will move shortly. I thank the Government for that. It has restored a little bit of our faith in the way that this Parliament should operate.

It was important for The Greens to emphasise the inherent value of the arts for the social and cultural enrichment of our society and not just as a driver of economic prosperity. Often we can talk about the arts as the preserve of the well-to-do, and there are certain stereotypes around the arts. When I think about what I love about the arts, I think about video games, going to see bands, seeing movies and even watching a TV series on the couch at the end of a long sitting week. That access to good-quality Australian creative output is important, and I would hate to see festivals, bands or any of that creative output being inaccessible to people other than those who can afford it. We have talked a lot in this place about the protection of public places—even things like the Vivid



festival—to make sure that they are accessible to everybody, no matter how their bank balance is doing at that particular time.

It is also incredibly important for children. I want my children to be able to experience something that I have never experienced myself and one day take them to the opera. It is very expensive. It would be lovely to be able to take them to a free concert every now and then in all of the different genres of creative industries. I mentioned video games before. I think they are an underappreciated aspect of the creative industries that we could be fostering in New South Wales. Some States, like Victoria, do a lot better in fostering all manner of the different aspects of the video games industry than we do here, and I would like a bit more focus on that. As that industry is growing and getting more mature, it is unionising and becoming a more stable part of the creative industries in New South Wales.

We also wanted to make sure that this report would be alive to the real barriers and threats facing workers in the creative industries. Creatives are some of the most precarious workers in our community. They are often left vulnerable to predatory or unfair contracts, with big corporate entities dictating their terms of employment in such a way that leaves them vulnerable to exploitation, which we also see in a lot of industries. Looking at the creative industries—again, a lot of my experience is with the video games industry—people are so desperate to work on a high-profile game that often they will accept whatever conditions are given to them.

It is up to government to set those high standards to make sure, as we are expanding these industries, that we are not doing it in a way whereby all of the profits go to big corporations, particularly multinationals that are coming along and gobbling up a lot of our independent studios. We must also make sure that workers and the communities share in the benefits of those developing industries. Again, I am glad that the Government has taken that bit of feedback on board about not only a net increase in jobs but also a desire to see an increase in quality jobs hopefully becoming part of this creative statement.

Finally, we wanted to lock the Government down on some of the things that it must—as opposed to may—report on, as is reflected in the amendments to the bill that have come forward. Vitrally, we do not want this creative statement to simply be a tick-the-box exercise. We want it to open up scrutiny by this Parliament for a review mechanism. Governments often just say things. It is important that they say those things after doing all of the appropriate consultation and work before coming up with the glossy that gets presented, to the extent that a government in the future does not consult with the industry and churns out a statement that says a load of bumb without any actual connection with reality.

The amendments, which will hopefully pass tonight, will ensure that if the government of the day has not done those things, there will be enough of an uproar to trigger a parliamentary inquiry as envisaged. With those comments, I end where I began, which is basically with a sense of positivity for this parliamentary term that we will see more negotiation and more feedback being taken up. I am pleased that that has occurred in this case. I actually now feel quite positive about this creative statement to Parliament. I thank the House.

**The Hon. MARK LATHAM (21:17):** We are also feeling positive about the creative statement. We are wondering why the Minister does not just make it. Why does the Minister not become so creative that he stands in his place to make a ministerial statement and delivers the creative statement?

**The Hon. John Graham:** It takes a lot of warming up.

**The Hon. MARK LATHAM:** He is off the long run, pushing off the sight screen. I do not see the need for the Creative Statement to Parliament Bill 2024, because at any time the Minister can make a ministerial statement. This is activity—more activity—in this space for the sake of activity. I never thought we would have an arts Minister more enthusiastic than the Hon. Ben Franklin, a cross between a Shakespearean actor and Mozart, in his glee for the arts. Of course, this Minister has activity on every front. The serious point about the bill is on two fronts. One is that we do not duplicate Federal Government initiatives and programs, with Creative Australia—formerly known as the Australia Council—and a big arts statement called Revive. We should not be duplicating Federal effort, because that is obviously a waste of money.

The other point is to have a realistic assessment of where creativity comes from. There is sometimes the view that creativity can be achieved with a sprinkle of angel dust or that it can be taught or subsidised. None of those things is right. All the studies in the education system show that you cannot teach creativity. Creativity comes from a sound base of knowledge and facts that people understand, and then individual interests and skills carry them on to the productive and creative process. It is often a mistake for government to think that if something looks creative, it better throw some money at it.

On behalf of The Greens, Ms Abigail Boyd mentioned the video gaming industry. I know a few people in that sector and generally they cannot stop bagging government. Their view is that the more government stays away from them, the better off they will be. For true, core creativity, that is very much the case. The last thing a

creative person wants is the dead hand of government telling them all of the things that we spoke about earlier on in regulation and restrictions and the like. I think a proper understanding of the nature of creativity is critical. I urge the Minister to stand up now and make his statement, rather than needing legislation for it. The bill of course does no harm, but I am also fascinated that it replicates the new, modern language of the old industry policy when the statement of public interest states:

The NSW Government will advocate, enable, and invest to create a vibrant, inclusive, and growing cultural and creative ecosystem.

Seriously? "Ecosystem" of creativity? I am not too sure that colourful verbiage is a reflection of reality. In terms of vibrancy, the last time we spoke about vibrancy in this Chamber was in relation to that single venue at Palm Beach, the Joey.

**The Hon. John Graham:** It's back!

**The Hon. MARK LATHAM:** The Joey is back, but the Minister's vibrancy statement is not as devised by the planning department. He is off a very long run there because he told me in answer to question 3176 that even though the Parliament in May last year—so some nine months ago—legislated the Minister's vibrancy reforms, they have not yet commenced. Activity is no substitute for real action that gets things done. In many of these areas, perhaps it is time for a comprehensive program of deregulation, a comprehensive attempt to not duplicate Federal effort in artistic funding programs and activities, and a proper understanding of the nature of creativity, which in many industries means less government and not more government intervention.

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (21:21):** In reply: I thank members for their contributions. The bill is an important but moderate step forward to place on record the view of the government of the day about activity to support creative industries but also to give the Parliament a chance to respond, debate and discuss that, and make sure it is as visible as possible. I will speak first to the Opposition contribution. I thank the Opposition for its support of the bill. I thank the Hon. Jacqui Munro for her contribution to the debate. The honourable member should not see the bill as the only contribution in this area.

I liked where the Hon. Jacqui Munro was heading with her suggestion about much more detailed, much more up-to-date—in fact, daily—information about what is going on, whether it comes to activity in general or creative activity. That is exactly the approach the Government is keen to take and is taking with its Data After Dark program, which is starting to assemble live information about economic activity for the first time. That kind of data is not held in any other jurisdiction in the world in this way, as I have talked to people elsewhere. That is exactly the sort of thing the Hon. Jacqui Munro was talking about—mobility, economic activity and tying that in with whatever creative data we have. That is now a capacity that we are building in New South Wales, following on from some of the good work done in the data space by former Minister Victor Dominello.

We are applying that data in this area much in the way that the honourable member is advocating for. I liked where she was heading. It is exactly the same direction that the Government is already heading, and almost no other jurisdiction in the world is keeping up at the moment, as I talk to those other jurisdictions. But that is no reason not to do a creative statement as well. It is significant to bring the bill to the Parliament. It is significant to have this on the *Hansard* and for the Government to be held accountable. I think that is important. That is why we have brought the bill forward.

In each of the areas that the member talked about—the screen sector, or what I would call the screen and games sector because we need to make that transition, as Ms Abigail Boyd pointed out; the music sector; and the creative communities sector more generally—the Government has a lot going on and is moving forward with its plan. We are making incremental steps towards our goal. In the screen and games sector, we need to update and modernise our approach. We can strengthen our expectations of State agencies and local government. We can change the boards that were set before the games sector even existed significantly. The Government has a reform program in that area.

In music, tonight the House backed the establishment of a specific Sound NSW Advisory Board. Opposition members said, "This is just a committee. Couldn't we stick it in another bill?" The Government has a broader legislative agenda for the music sector, and we will look to bring together other elements that will support the music sector over time, much like we are doing in the screen sector. This is an initial step in the music sector, but there will be others, including the entertainment Act that the member referred to. It will contain some elements that will be recrafted more appropriately in a modern way and brought into alignment with where the Government is heading in the music sector.

We are setting up a statement for the creative communities, or the broadest version of the arts sector. The data that the member has drawn attention to is very important. Perhaps the committee that the member has referred

to should be protected and legislated. Again, that is something the Government might think about over time, but we are working on pieces of the puzzle to continue to strengthen each area. I am giving members some sense of where the Government is heading over time. I thank Ms Abigail Boyd for her generous comments and also for her amendments. The Government has an approach, but the work that she and her team have put in has strengthened the bill. This bill is absolutely about accountability. On the spectrum of self-congratulation to accountability, this should be at the accountability end, and the member's amendments have made that much more the case. I thank her for the amendments, and I thank the House for its support.

What gets done in government is the measure. The Government is held to account for what happens. That is the goal here. That is why the Parliament should be involved. This is important, and the Parliament should hold the Executive to account. It should hold this Executive and this Minister to account, but it should also hold future Executives to account. That is the spirit in which we bring this bill to the House. I liked the member's description of what she wants to see from the creative industries. The Government is taking the broadest possible approach to the creative industries and things like Australian television, songs and games. We are not just for our cultural institutions, although they are amazing. We are for the broadest version of the creative industries, which incredibly comprise 10 per cent of the workforce in Sydney.

Ms Abigail Boyd's point about whether we are helping multinationals or the grassroots of the sector is really important in the context of State intervention. A lot of our interventions are about the spaces in which people work, the way they move about the city and whether they can afford to live in this city or this State. A lot of our interventions are about supporting the grassroots. That gets more complicated at the Federal level, where they need to be more careful. But I assure Ms Abigail Boyd that that is what Government policy is focused on in each of those areas—screen, music and the creative industries more generally. Our job is to cultivate the grassroots. Again, I thank shadow Minister Kevin Anderson and the Hon. Jacqui Munro for their assistance on behalf of the Opposition.

The Hon. Mark Latham made a number of fascinating points and took quite a different approach. But I take his point: We absolutely should not duplicate what the Federal Government is doing. However, to reassure him, this would be the first time that both the State and Federal governments have policies that measure the creative industries. The Federal Revive policy is heavily aligned with the State's Creative Communities policy. It has been written to describe the State's role in response to what the Federal Government is doing. Three significant Federal arts policies have been set out over time: Keating, Crean and then this most recent.

**The Hon. Mark Latham:** It was Michael Lee under Keating. Keating was the Prime Minister.

**The Hon. JOHN GRAHAM:** Yes, I agree with that. They are the three key Federal government arts and creative policies. Obviously, Whitlam was incredible, but they are the three formal statements. Two of those were at the end of those governments. They were spectacularly launched and then cast aside. That is the history. This recent one was not. Revive began at the start of the current Federal Government, and this Government has rapidly aligned with it. We are playing our role, which is different to what the Federal Government does. It is much more about supporting the grassroots industry. We should not duplicate, but we are heavily aligned. This is an exciting moment for State and Federal policy in this area.

I agree with the Hon. Mark Latham's point about being careful about where creativity comes from. We have to support creatives and not regulate or bureaucratised the industry. That is the goal. The shift is similar to what I was talking about in the previous debate on the Sound NSW Advisory Board Bill 2025. This bill is about moving the State from subsidising creativity, which is the old model, to investing and saying, "If you're doing well, we want to invest and back you to be creative," rather than, "We're going to fund you to do it." It is very much about seeing government as an enabler rather than the person who picks the winners. Government should back and invest in the sectors that are doing well.

I go back to what Ms Abigail Boyd spoke about. As an example of potential, I talk about the games industry. There are a couple of top games firms in New South Wales, which are part of a sector that generates a couple of hundred million dollars of economic activity. It is a \$300 billion sector around the world. In any of these creative sectors, Australia should be able to carve out about 1 per cent of economic activity just by population, but we often punch above our weight and carve out a couple of per cent. If we had anything close to that in Australia and New South Wales, this industry would be worth billions of dollars. We are so far down the order. I recognise the firms that we have. If we get serious about this—

**The Hon. Mark Latham:** It's cheaper in China.

**The Hon. JOHN GRAHAM:** You have to try quite hard to do as badly as we have. That is the truth. These are high-skilled jobs that we should be backing in New South Wales, and that is the goal of this policy. The games sector is an example of a sector that New South Wales could do very well in. Why we have not is the sort

of question this statement will ask, and it will hold this and future governments accountable. I commend the bill to the House.

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

**Motion agreed to.**

### In Committee

**The CHAIR (The Hon. Rod Roberts):** There being no objection, the Committee will deal with the bill as a whole. We have one sheet of amendments only, Government amendments Nos 1 to 5 on sheet c2024-258H.

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (21:34):** By leave: I move Government amendments Nos 1 to 5 on sheet c2024-258H in globo:

**No. 1      Definition of "health" of the creative industries**

Page 2, clause 3. Insert after line 29—

*health*, of the creative industries, means sustainably positive economic, environmental, ethical and operational conditions that support the long-term viability of the creative industries for continuing social benefit.

**No. 2      Objects of Act—consequential amendment**

Page 2, clause 4, line 33. Omit "Object". Insert instead "Objects".

**No. 3      Objects of Act**

Page 2, clause 4, lines 34 and 35. Omit all words on the lines. Insert instead—

(1)      The objects of this Act are to—

- (a)      recognise the intrinsic value of arts and culture, and
- (b)      acknowledge arts and culture are a public good and the right to participate in the creative industries is a fundamental human right, and
- (c)      promote Ministerial accountability in relation to the creative industries in New South Wales.

(2)      The objects are to be achieved by requiring the Minister to report to Parliament

**No. 4      Response to tabled Creative Statement**

Page 3, clause 5. Insert after line 8—

- (4)      A House of Parliament may refer the Statement to a relevant parliamentary committee within 7 days after the Statement is tabled in the House.
- (5)      A relevant parliamentary committee to which the Statement is referred must report to the House that made the referral.
- (6)      In this section—

*relevant parliamentary committee* means a committee of a House of Parliament designated by a resolution by the House for this section.

**No. 5      Contents of Statement**

Page 3, clause 6(2), lines 15–40. Omit all words on the lines. Insert instead—

(2)      Without limiting subsection (1), the Statement must include the following—

- (a)      a summary of the economic impact of the creative industries in New South Wales, including an estimate of—
  - (i)      the contribution to the economy of the creative industries, and
  - (ii)     the number of jobs supported by the creative industries, and
  - (iii)    the forms of employment and other working arrangements and employment characteristics of persons working in the creative industries,
- (b)      a summary of the activities and investment undertaken by the Government to support the creative industries in New South Wales,
- (c)      an assessment of the sustainability and growth of the creative industries in New South Wales,
- (d)      a report about progress in implementing Government policies and plans relevant to the creative industries.

- (3) Also without limiting subsection (1), the Statement may include the following—
- (a) a summary of the creative industries in New South Wales, including information about significant partnerships between the State and—
    - (i) the Commonwealth, or
    - (ii) local councils, or
    - (iii) the private sector,
  - (b) a summary of Government support for First Nations creative industries in New South Wales, including reporting on—
    - (i) direct support provided by the Government to First Nations creative industries, and
    - (ii) activities undertaken by the Government to improve the participation of First Nations people in the creative industries,
  - (c) a summary of the challenges, both real and potential, facing the creative industries in New South Wales,
  - (d) a summary of the opportunities, both real and potential, available to support the creative industries in New South Wales.

In speaking to the amendments, I will give some indication of what they do. As indicated in the second reading debate, the amendments have come from a range of feedback and discussions, in particular with Ms Abigail Boyd. We are grateful for that feedback and assistance. It has deepened the impact of the Act. Amendment No. 1 broadens the definition of health of the creative industries. Members will see the impact of the amendment. Amendment No. 2 is consequential and will not trouble members. Amendment No. 3 expands the objects of the Act. It recognises the intrinsic value of the arts and culture, acknowledges that they are a public good and that the right to participate in the creative industries is a fundamental human right, and includes the principle of ministerial accountability. That is consistent with the debate we have just had. The amendment indicates that the objects are to be achieved by requiring the Minister to report to Parliament. Those are all sensible measures that support the debate we have just had.

Amendment No. 4 gives a capacity for the Parliament to respond. Again, that was a sensible suggestion by Ms Abigail Boyd, and we have looked for the right way to implement it. The amendment would give a clear power in the bill where a House of Parliament may refer the statement to a relevant parliamentary committee within seven days after the statement is tabled in the House. Of course, the House is welcome to take those sorts of steps in any case, but the amendment offers the opportunity in a very concrete way, and that is a strengthening of the bill. Amendment No. 5 significantly strengthens the bill in relation to the contents of the statement and goes into the detail that members can see in the amendment. I will not dwell on the contents further but, again, the amendment fleshes out the accountability, the expectations and the sorts of things that the Parliament might want to see. We know that because those are precisely the things that members have asked for. I am open to discussing any of the amendments further. With those comments, I move the amendments.

**The Hon. JACQUI MUNRO (21:37):** The Opposition will support the amendments. I acknowledge the work of the shadow arts Minister, Kevin Anderson, in contributing to the amendments, and the Minister, his office and Ms Abigail Boyd in working together to put the amendment forward. Having a fulsome description of what the statement should contain is reasonable. We know we will have challenges and opportunities in these industries, whether it is trying to wrangle big tech organisations and the algorithms that might prioritise overseas artists as opposed to local artists or whether it is understanding what kinds of jobs are being created at the big end of town as well as at a grassroots community level. Statements indicate the challenges, opportunities, status and health of the industry, so there are no problems with making them more fulsome. We look forward to the first statement coming out in 18 months.

**Ms ABIGAIL BOYD (21:39):** The Greens will also be supporting these amendments. I again thank the Minister for bringing them and working so cooperatively to bring them. I point in particular to the one that I am most fond of, which is the reference in the objects of the Act to recognise the intrinsic value of arts and culture, to recognise that arts and culture are a public good and that the right to participate in creative industries, not just as someone working in the industry or as a creative but as a member of the public, is a fundamental human right. That sets the tone for the bill and, as I said, really gives me some hope at the beginning of this year. I thank the Minister very much for taking on board the comments. We support the amendments.

**The Hon. JOHN GRAHAM (Special Minister of State, Minister for Transport, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism) (21:40):** With the indulgence of the House, I place on record the Government's thanks to the staff of the Department of Creative Industries, Tourism, Hospitality and Sport. A big team has worked on the bill.

I acknowledge the support of the Creative Communities Council, which is chaired by Louise Herron and the acting chair, Kerri Glasscock. I also thank Mark Crees, who is here in the gallery, and the Create NSW team for what they have done to bring the bill to a head. I also thank members of my team, Angud Chawla and Clara Klemski.

**The CHAIR (The Hon. Rod Roberts):** The Hon. John Graham has moved Government amendments Nos 1 to 5 on sheet c2024-258H. The question is that the amendments be agreed to.

**Amendments agreed to.**

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

**Motion agreed to.**

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

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

**Motion agreed to.**

### **Adoption of Report**

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

That the report be adopted.

**Motion agreed to.**

### **Third Reading**

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

That this bill be now read a third time.

**Motion agreed to.**

## **ENERGY AMENDMENT (PIPELINES AND GAS SAFETY) BILL 2024**

### **Second Reading Debate**

**Debate resumed from 21 November 2024.**

**The Hon. NATALIE WARD (21:43):** I lead for the Opposition's position on the Energy Amendment (Pipelines and Gas Safety) Bill 2024. The Opposition will not be opposing this legislation. I will be brief and leave the further commentary to the shadow Minister for Energy, Climate Change and Environment in the other place. But I will put on the record that the gas pipeline network in New South Wales, like in other jurisdictions, is ageing and it is also critical infrastructure. It requires maintenance and upkeep. During a time of significant change to our energy mix, the Coalition supports the safe and functioning gas pipeline system.

I note that the bill amends three pieces of legislation: the Gas Supply Act 1996, the Pipelines Act 1967 and the Criminal Procedure Act 1986. Generally speaking, the changes will enhance the governance, safety and operational efficiency of gas networks in New South Wales. These issues have been raised over many years by a wide range of industry stakeholders, including gas network operators, industry representatives and community members. We further note that the changes have been publicly consulted on between August and September. Importantly, the amendments include expanding government inspection powers to better investigate incidents, enable seizure of materials for comprehensive testing to determine failure causes and direct actions to ensure network safety, and to reduce the chance of hazardous incidents from happening. These changes will ensure that the regulation of New South Wales's gas network is consistent with other energy legislation and maintains public safety and operational integrity. The Coalition therefore will not oppose the legislation.

**Ms CATE FAEHRMANN (21:45):** As The Greens coal and gas spokesperson, I speak on behalf of The Greens to the Energy Amendment (Pipelines and Gas Safety) Bill 2024. We are told the bill is aimed at strengthening and harmonising the safety and technical regulation for pipelines and other gas network infrastructure in New South Wales. However, there are a number of provisions that appear yet again to infringe on fundamental rights, including the implied freedom of political communication. The Greens are concerned that part of this bill appears to be yet another piece of legislative reform that seeks to augment this Government's anti-protesting agenda, and the Coalition is in lockstep behind the Government.

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

**Ms CATE FAEHRMANN:** I acknowledge the interjection. The two key pieces of legislation that will be amended are the Pipelines Act and the Gas Supply Act. Under the Pipelines Act, the Government licenses the construction and operation of cross-country transmission pipelines. There are currently 32 pipelines licensed to

operate under the Pipelines Act—31 that convey gas or petroleum products, and one that conveys water. The Gas Supply Act regulates and oversees the supply and distribution of gas across the State. The Government sought feedback on proposed amendments to both Acts via public consultation in August and September last year. However, the consultation was not wideranging, as the Opposition member said—I understand she probably had her speech written for her—but appears to have been largely targeted at gas suppliers and distributors.

Five submissions were received—five—from APA Group, Jemena, NSW Land Registry Services, Before You Dig Australia, and the Justice and Equity Centre, formerly the Public Interest Advocacy Centre, or PIAC. APA is an owner and developer of gas infrastructure assets and was supportive in general of ensuring a regulatory framework is fit for purpose but did not provide much in the way of detailed feedback. This was largely because, as it pointed out, it was not provided with a draft exposure bill prior to the request for submissions; rather, the Government prepared a 21-page consultation paper and a 10-page industry briefing. Neither of those documents comprehensively covers the need for changes like substantive increases to offence penalties or new powers for inspectors in this bill.

Jemena, a gas distributor and owner of gas pipelines, was largely supportive of the amendments as they relate to increases to penalties. However, it also pointed to the fact that it had not been provided with the draft legislation and that that limited its ability to comment. The NSW Land Registry Services submission was confined to a specific amendment referencing the Registrar General and ensuring consistency. Before You Dig Australia was supportive of the bill, aside from some comments relating to decommissioning and abandonment requirements. The Justice and Equity Centre, the only independent law and policy centre that provided a submission, unfortunately also confined its submission to decommissioning and abandonment requirements.

The consultation paper provided to each of those parties notes that a jurisdictional comparison was carried out to ensure that penalties were consistent with similar legislation. It also notes that the rationale behind introducing new continuous offence penalties is to enhance compliance by serving as a stronger deterrence against noncompliance and that third-party damage to gas networks has been an ongoing issue, but it does not have any concrete examples of that damage. It is unclear who and what behaviour the legislation is targeting. The Australian Pipelines and Gas Association—the key voice of the Australian pipeline industry and, therefore, a key voice for the gas industry—has on its website a page titled "Issues for our industry". It names four key issues, as follows: climate change and energy policy, economic regulation of gas pipelines, gas market reforms and pipeline corridor land-use change policies. Nowhere does it mention third-party damage to gas networks, protesters or anti-gas vigilantes.

When carrying out background research into gas pipeline incidents in Australia, the only incidents my office could find were caused by the pipeline operator rather than a third party. One example was Woodside's offshore gas pipeline in Western Australia, which was damaged twice in January 2024 during its installation. Another was a fire on a portion of the Jemena-owned Queensland Gas Pipeline in March 2024, yet the scale of penalty increases in the bill are significantly higher for individuals than for corporations. I will speak to that in more detail in Committee.

Also of concern are proposed changes to the powers of inspectors granted in the bill. The explanatory note says that amendments are sought to expand and clarify the powers of government inspectors in a way that is consistent with the powers of inspectors under the Gas Supply Act 1996 and vice versa. Under the Pipelines Act 1967, the bill proposes to expand the powers of inspectors in a way that is akin to police powers. For example, inspectors will now be able to enter a property to ascertain whether an offence against that Act or the regulations has been committed. It also provides that inspectors can seize a thing if there are reasonable grounds for believing it is connected with an offence, can require the provision of information or attendance at an interview or can direct that a person not enter or leave a specific place. In other words, inspectors can make quasi detention orders. The penalties for noncompliance or breach are significant—\$110,000 for an individual. Mirroring amendments have been proposed to the Gas Supply Act.

Are we comfortable with giving that sort of power to a public servant appointed for the purpose of supposedly ensuring safety? Do they have similar training and expertise to police? Frankly, are we comfortable with police having that power? That is a different debate. The Greens will move an amendment that partly addresses those concerns. Another key concern is the provision for a new regulation-making power over aspects of compulsory acquisition of lands, including private land, including in relation to the reasonable steps that must have been taken before land can be compulsorily acquired; the matters that the Minister must consider in being satisfied that compulsory acquisition can occur; and applying or adopting any guidelines relating to compulsory acquisition. Any matters of compulsory acquisition of land, of homes and of people's businesses are not appropriate for regulations. That all has to come to this place for debate. They are serious issues and landholders agree.

Today I received an urgent letter from the Country Women's Association, the Liverpool Plains Action Group, the Mullaley Gas and Pipeline Accord and the Lock the Gate Alliance raising what they stated were their very serious concerns for landholders across the State, which "must be brought to your attention and warrant amendment prior to the bill being passed". They go on to write:

You will appreciate that landholders and communities from the Hunter, across the Liverpool Plains and throughout north-west NSW have an incredibly strong interest in these matters which may directly impact on their lives and livelihoods.

Our concerns are that leaving all these important matters to regulation means:

1. The details will not be subject to direct parliamentary debate and amendment
2. There is a high degree of uncertainty about what the regulation might ultimately contain

The ramifications of the provisions are significant, and further detail about the substance of the proposed regulations should be available to be scrutinised. Again, they should not be in regulation; they should be debated by Parliament and be in a future bill before this Parliament. I will move an amendment in the Committee stage to amend that part of the bill and to remove those compulsory acquisition powers. I think the alliance of landholders has only very recently understood the impact of the bill—only over the past few days—and it is asking for two things:

1. Proposed measures as to reasonable steps and Ministerial satisfaction should be included in the Bill itself via amendments, rather than being left to regulation
2. More information should be provided in writing as to what is proposed in relation to guidelines

I also understand that it has written to Minister Sharpe seeking those two things. It is too late to put those reasonable steps as an amendment to the bill, although I note it is five minutes to 10.00 p.m., so maybe we can do something over the next 24 hours for Thursday. I understand the reasons the Opposition wants to support the bill in principle, but I suggest that it checks that the Opposition energy spokesperson has looked at this particular aspect of the bill. I also suggest that the National Party, which claims to represent the landholders of country and regional New South Wales, makes sure that it is aware of what is contained in the bill, because to pass a bill that vests all that power in the Minister to determine the reasonable steps for compulsory acquisition is a really big call. The Minister's office suggested that it may have been speaking to some of the regional members today, so we will wait to hear about that.

The Greens cannot support the bill if we cannot get some movement on our amendments, which include reducing the unsubstantiated increase in penalties. It is an extraordinary rate of increase for individuals compared with corporations. It was not in the consultation paper and has not appeared to be a big deal, but does seem to be targeted at resistance from a huge number of landholders who do not want a pipeline to go through their property. They have been resisting it for very good reason and have had terrible interactions, largely with Santos. There seem to be elements of the bill that have been directly put in to facilitate Santos being able to get on those properties, bugged the wishes of the hundreds of landholders who have so far said no.

**The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (21:59):** In reply: At this point, I say that there were a lot of issues raised by Ms Cate Faehrmann in her contribution to debate on the Energy Amendment (Pipelines and Gas Safety) Bill 2024 that fundamentally misunderstand what the bill is about. I will not get a chance to deal with that now; we will have to deal with it on Thursday. I am very happy to keep talking to the member about it, and I encourage her office to get a further briefing from my office in relation to these matters. I understand the very good intentions of the member, but there are some fundamental misunderstandings of the interpretation of what the Government is doing versus some of the things placed on record. Given that it is 10 o'clock, we will come back and do it all again on Thursday.

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

*Adjournment Debate*

## ADJOURNMENT

**According to standing order, members made the following statements.**

## GENDER IDENTITY

**The Hon. GREG DONNELLY (22:00):** It is not the first, nor do I expect it to be the last, time I speak in the House about the ruinous impact that gender identity ideology is having on countless numbers of vulnerable children and adolescents in New South Wales and Australia, and indeed across the world. Before all the naysayers jump up and say, "Of course he would say that," I remind honourable members of the adage "ideas have consequences". If gender identity ideology was not intended to impact on and affect the minds and bodies of



children and adolescents in the profound way that it does, why do those who champion it fight so hard to promote and protect its doctrines, and discredit and silence its critics?

My strong objection to gender identity ideology being taught to children in preschools and schools is long held. Since around 2009 I have both spoken and written about its harmful impact on developing minds and bodies. Some years ago, I wrote an opinion piece commenting on a statement made by Roz Ward, co-founder of the misnamed anti-bullying program Safe Schools, at the Safe Schools Coalition national symposium held in Melbourne in June 2014. The comments made were unambiguous and clear, and are worth quoting directly. The comments state:

The Safe Schools Coalition is about supporting gender diversity and sexual diversity, not about ... stopping bullying ... about being transgender ... not just being nice to everyone.

When questioned about her comments, particularly about not stopping bullying, Ward did not deny making them. Indeed, she doubled down on them. Lest honourable members think I am exaggerating, I quote from an article I wrote in early 2016 about a book that gender identity advocates were heavily promoting at the time, entitled *The Gender Fairy*. Pages 20 and 21 of the book state:

And this is what the Gender Fairy said. "Only you know whether you are a boy or a girl. No one can tell you. "Does this mean there is something wrong with me?" asked the little girl. "No. Not at all," replied the Gender Fairy. "It is very normal ..."

The book, written by Jo Hirst, was specifically recommended for children four years of age and over. As was established at the time, parents were deliberately kept in the dark by preschools and schools when it came to being informed about what was being placed in front of their children. What we know now, but did not appreciate at the time, is that children and adolescents were entering into and progressing through what is generally accepted as an enormous experiment in mediating human relationships, the likes of which the world has never seen—that is, social media.

Those who doubt that claim should get themselves a copy of the book entitled *The Anxious Generation* by Jonathan Haidt and read it. It provides confronting research and analysis of the impact that social media is having on the minds and bodies of children and adolescents. For those who think, once again, that I am exaggerating, I invite them to spend an hour or so on TikTok or other child- and youth-focused social media platforms, viewing what they are being exposed to and encouraged to undertake. It takes no imagination, with the knowledge we now have of how social media platforms operate, to appreciate the implications for children and adolescents brought up on the narrative promoted in *The Gender Fairy*, namely, "Only you know whether you are a boy or a girl." Is it any wonder, therefore, that over the past decade or so, across the world, there has been an explosion of children and adolescents self-declaring, in some cases at a very early age, that they were born in the wrong body.

I do not need to be an experienced paediatric endocrinologist to see where statements such as "only you know whether you are a boy or a girl" and "born in the wrong body" are leading. For some years, I have said that the so-called affirmation approach—including the off-label use of synthetic puberty blockers and cross-sex hormones widely used by State-operated gender clinics and a number of specialists, GPs, psychologists and others—to treat children and adolescents who may be or are gender diverse or gender dysphoric will go down in history as one of Australia's worst medical scandals.

The time has well past for Australia to undertake an independent, comprehensive public inquiry into youth gender medical treatments. The recent announcement by the Federal Minister for Health is, in my opinion, a far too narrow and restricted review of this significant medical issue, which is impacting on vulnerable children and adolescents across Australia. It falls well short of what must be urgently undertaken. Our children and adolescents deserve nothing less.

### TRIBUTE TO DAVE GALLAGHER

### STATE BUDGET AND EDUCATION

**The Hon. SCOTT BARRETT (22:05):** I was genuinely saddened to hear of the recent death of a lovely man, Dave Gallagher, who exemplified the ideals of being a servant to your community. He served with the NSW Police Force for 40 years, 33 of which were in Broken Hill. He was the longest serving cop in the town. With a major passion for Rugby League, Dave was a life member, former patron and chair of Outback Rugby League. I reckon he was a handy player back in the day too.

He was a Broken Hill councillor from 2011. He was chair of the local Regional Development Australia and president of the local race club, Legacy and Country Universities Centre—the list goes on. Dave was generous with his time and committed to his local community. He was also a great servant to The Nationals over many years. Most importantly, Dave was a genuinely good bloke. He was bereft of malice and filled with kindness. My heart goes out to Julie, Cassandra, Reanna and all of Dave's family, who I know he loved very much. I am

privileged to have counted Dave as a friend. He will be missed by The Nationals, the community of Broken Hill and me.

Over the holidays I got the opportunity to spend time with some teachers. As we all know, they are amazing people. Their passion and commitment to the profession and our kids is palpable and inspiring. They give us confidence that our kids are in good hands when we drop them off at school. But while they are all highly professional, motivated and genuinely caring people, and while we have recently heard Labor members bang their chests and suggest otherwise, the key message I am getting from teachers and parents is that our teachers and our schools are massively under resourced, and it is having a serious impact on our students. One of the big holes I heard about was the lack of adequate resourcing for school learning support officers [SLSOs]—what I would call teacher aides. The number of teacher aides in our schools is barely a fraction of what is actually required, and the ones that are there are the result of the advocacy and efforts of our teachers.

This shortage is occurring at a time when class sizes are getting bigger and the out-of-class workload is getting more demanding. Despite what the Government wants to put in press releases about teacher numbers or vacancies, these are the experiences of the people on the ground and the frontline teachers, who are the ones that really matter. We are hearing that when a class is lucky enough to have an SLSO, it often gets stacked with excess students with a range of educational needs. The school piggybacks off the support that is there specifically for identified high-needs kids. This often negates the potential benefits of having that extra support in the classroom. Another alarming trend I heard about from teachers is that studious and more well-behaved students are often not getting the attention they deserve. In fact, in some cases, they are being called upon to help out with some of the less self-sufficient kids because teachers do not have enough support and are distracted by a variety of needs in overfilled classrooms.

While these stories come from the Central West, I have no doubt they are echoed across regional New South Wales and are even more pronounced in some of our more rural and remote communities. I reiterate that I relay these stories with the utmost respect and gratitude for our teaching fraternity. They are selfless and hardworking in the face of ongoing resource pressures. Added to those issues are the difficulties parents face in gaining diagnoses for children with behavioural and learning difficulties. The cost is often prohibitive. The absence of an accredited diagnosis means that a school cannot apply for extra resourcing that may be required, such as SLSOs. Undiagnosed kids are in the school system without the additional care they need for their development and without the additional support the teachers need to help them reach their full potential.

I know the State coffers are tight right now, and similar pressures can be found across the public sector in Health and Transport, but surely we must prioritise our children's futures. Let us leave no stone unturned as we look at the public system to see whether more flexibility or a reallocation of resources could unlock more frontline support for our teachers and, ultimately, our kids.

### GOVERNMENT PERFORMANCE

**Ms SUE HIGGINSON (22:10):** We are back. It is 2025 and we are two years into the Minns Labor Government. It feels like we are back in 2022, when the Coalition was smashing our forests, clamping down on peaceful protests and non-violent civil disobedience, and locking up more First Nations kids. However, instead of a third-term Liberal-Nationals Coalition, it is a first-term Labor Government. Premier Chris Minns is on a rampage—a conservative, reactive, divisive, damaging and hate-filled rampage—and we must talk about it. If Labor does not get on track, the future of New South Wales is at serious risk of never-ending cycles of leadership driven primarily by fear, with every vulnerable and marginalised person and living thing—including our precious environment—locked up in the back seat for the futile and harmful ride.

Not only do we not have the promised Great Koala National Park, but logging has accelerated within that area. The area of logging has increased from 1,968 hectares in the 12 months before the election to 3,285 hectares in the 12 months after the election, and now it is 3,900 hectares in just the past nine months. Another Forestry Corporation annual report shows tens of millions of public dollars lost—public money pouring into the pockets of wealthy loggers while our forests vanish into stakes and sawdust. Forestry Corporation has lost \$73 million logging our native forests over the past four years. In late 2022 Forestry Corporation's dividends for 2026-27 were estimated to be \$42 million. By mid-2023 that forecast was reduced to just \$4 million. That is a downfall of \$38 million in one year.

Shockingly, just last week we found out that Forestry Corporation had misled the Government, the Parliament and the public by giving false yield data in its biomaterial reports for years. It has literally cooked the books, and it has done so for years. It has over-claimed yields by 28 per cent over the past three years, and no explanation was given. I have referred Forestry Corporation to the Auditor-General for maladministration. The Minns Labor Government is complicit. It is running a protection racket for a maladministrative State owned corporation that is exploiting a public natural resource. Premier Chris Minns is blindly following bad policy,

haemorrhaging public money, breaking his promise to the people of New South Wales and failing to protect New South Wales forests, driving the climate and extinction crisis and smashing poor koalas.

The Government is not just failing on forests; it is criminalising those who try to protect them, and all those who come together to exercise their right to dissent and demand a more just world. The Government has introduced more harsh and draconian anti-protest laws and taken extreme steps by dragging communities through the courts to try to stop the people's blockade of the world's largest coal port and the Palestine solidarity rallies. We have just returned to Parliament to more divisive and harmful law-and-order measures to address hate and racism—which were announced, again, through 2GB—ignoring the Law Reform Commission and legislating before the review of the Anti-Discrimination Act is even complete. The Law Reform Commission recommended against what Premier Chris Minns is now doing.

Chris Minns, you cannot arrest your way to social cohesion. That is a chapter from the book of authoritarianism, you fool! Under this Government we now have more kids locked up in prison, more recidivism and more young lives derailed. Young people being denied bail has shot up to 80 per cent. That is by design, because this Government's bail laws deliberately discriminate against young people between the ages of 14 and 18. A total of 97 of the 123 alleged young offenders were refused bail under these laws. Some 88 per cent of those children are First Nations young people, and 90 per cent of children and young people imprisoned under these laws are First Nations kids. None of this will reduce crime. It just screws up lives for the longest time.

Unusually, Supreme Court justices are being highly critical of these appalling laws. One justice goes as far as to say that "the Legislature may exercise power in a manner that defies the principles of equal justice". They say, however, that "the application of justice in a manner which is neither capricious nor arbitrary is a requirement on courts". For years, communities have worked to break the cycle of incarceration. This Government is undoing that work piece by piece. We need leadership that serves the people, not just the headlines. We need accountability, justice and a government that builds a future instead of burning it down. We have a government that is smashing forests, koalas, peaceful and creative dissent, kids and the future. It is leadership without vision, without principle and without a real plan.

## REGIONAL INFRASTRUCTURE AND SERVICES

**The Hon. BOB NANVA (22:15):** Since being elected to this place, I have had the privilege of using my platform to advocate on a range of local matters, many of which have been passionately advanced by communities in my duty electorates of Goulburn, Murray and Badgerys Creek. One recurring theme in many of those contributions is the need for us to do better with respect to basic facilities in regional areas that many of us in metropolitan Sydney take for granted. There is no merit in pointing fingers or attributing blame, but years of neglect and systemic underfunding by governments of all persuasions, both State and Federal, have left many communities in the position of playing catch-up on a significant number of underfunded projects.

In those communities, the wish list coming to me from everyday locals is not a slapdash shopping list full of wants, but one of everyday needs. It is often a tally of essential services and community spaces that most people in the suburbs of Sydney would never have experienced being without. We all know, for example, that water is one of our most precious resources. When it is plentiful, we can easily forget it is there; however, we are more minded to value it in its scarcity. Water is a matter of importance in regional New South Wales for a variety of reasons beyond it being the lifeblood of rural industry. It can often be a struggle for regional towns to obtain quality water services or infrastructure, whether it be a local fixture like a community pool or even something as basic as clean drinking water—a reality I have observed firsthand in the communities of Crookwell and Yass.

In Crookwell, the township was deprived of a public pool within an hour's drive after the new aquatic centre in the heart of the community had its construction stalled through no fault of the local stakeholders. The old pool, a dilapidated structure, was not fit for purpose. I canvassed in Parliament at the time the community's desperate need for construction of the new facility to continue. Crookwell sweltered through the summer of 2023 as the fate of the pool hung in the balance. I visited the site several times as progress was steadily made. However, a further funding tranche was required to bring about the temporary amenities required to bring it online in the summer of 2024. Throughout it all, there was tireless advocacy from the community, particularly by Upper Lachlan Shire Council and its former Mayor Pam Kensit, who would not rest until there was a result for the town.

Thanks to collective efforts and an intervention by Minister Kamper, the pool was able to come online this last summer, finally giving residents of all ages a place to escape the oppressive heat and swim locally. Another basic right for all residents is access to clean drinking water. Unfortunately, that too has needed intervention. According to Yass Valley Council, 85 per cent of residents did not drink the tap water in 2024—a poor reflection of another service most of us take for granted. It is a sobering thought that in 2024 residents of the nation's most prosperous State would receive regular alerts to boil their water or be asked to tolerate foul smells from their kitchen tap. Yet it is a reality the residents of Yass have inexplicably been living with for years.

Issues of that nature not only fail the residents, who rightly expect those basic services, but can risk unnecessarily holding back some of the State's most beautiful, historic and vibrant regions from fully reaching their potential. It is heartening, then, to see that, like in Crookwell, intervention is bringing us closer to a resolution in Yass too. A contribution of \$18 million from the New South Wales Government towards the refurbishment of existing water treatment plants and the construction of new assets will finally see steps taken to rectify this most essential of services. These are important investments and governments must see them through. People from Crookwell and Yass are hardworking and do not ask for much. They just want to be given a fair go and to have access to proper services like anyone else has. I am optimistic that, although finances are scarce and the task of rolling out new infrastructure is an ongoing endeavour, we will always be steered in the right direction if we keep our ears to the ground and base our priorities on the lived realities that people outside our major cities share with us.

### ECONOMIC DIVERSIFICATION

**The Hon. JACQUI MUNRO (22:19):** Essentially, I see the role of government as something like overseeing the improvement of citizens' living standards and quality of life by growing the economy in a global world, empowering citizens to grow their own wealth and taking steps to bridge wealth disparity so that the job of crossing the bridge is not only possible but also plausible. Democratic governments also have the serious responsibility of justifying every dollar of taxpayers' money spent. As a Liberal, I believe the best communities have a glorious cultural mix of entrepreneurialism, opportunity, liberty, ambition and a social conscience. In this era of rapid technological disruption and transformation, government must be trustworthy and dynamic. In the modern world, to undertake its role, government must be a competitive, reliable partner for private enterprise.

Australia's biggest economic challenge is diversification. We have consistently dropped down Harvard's Economic Complexity Index and are now sitting at 102, below Burkina Faso and only one above Yemen, putting our chance at future prosperity at risk. Ultimately, if our governments fail to create conditions where investment and entrepreneurialism are easy to connect, we will fail to replace Australia's primary source of unparalleled economic growth: fossil fuel. In a world where 91 per cent of global GDP is covered by net zero targets, our State's primary export, coal, accounts for around 40 per cent of goods exported, and around 80 per cent of that is thermal coal. Metallurgical coal alone is not a sustainable source of wealth for us, and New South Wales must clearly develop strong, new trade partnerships in diverse, cutting-edge sectors.

Our flagging labour productivity, currently at negative 2.86 per cent, continues to hamper growth. Surely technology, if utilised effectively, will give us a chance to turn those figures around relatively quickly, particularly in the public sector. Currently the New South Wales budget forecast is, among other things, banking on revenue measures like payroll tax and stamp duty growing, which is a problem for productivity. Government relying on increasing property prices is problematic for stretched citizens and, as we well know, payroll tax disincentivises business growth. But, in the age of AI, when AI agents do not need a salary at all, we ought to be revising our whole budgetary calculation methodology.

Despite a growing interest repayment bill, projected to be \$32 billion by 2027-28, the economy of New South Wales is growing, with a gross State product of over \$800 billion and an increasing population, expected to reach 10 million by 2041. We are politically stable, with good weather and lifestyle perks and, overall, a highly educated and entrepreneurial population. But to maintain the culture of trusted, productive and efficient engagement with the private sector, government must have clear strategy and tactics to generate business confidence. Government should be predictable. Transparency and accountability are key ingredients to work efficiently with business and build public trust in a rapidly evolving world.

Disappointingly, this Government has missed the boat on maintaining such a culture. The Labor Government's trade Minister, the Hon. Anoulack Chanthivong, said that his Government would not adhere to the Coalition's trade strategy but has, after almost two years in office, not provided any alternative. The Coalition's framework identified the priority industries of immediate focus to provide exciting opportunities for new, well-paid jobs and increased prosperity for all New South Wales citizens, including agriculture and agrifood, resources, defence and aerospace, clean energy and waste, medical and life sciences, digital systems and software, international education and the visitor economy. What would you change in those priorities? At some point, I suppose, we will find out, but not before business has gone elsewhere, which it most certainly has, for reliability, support and opportunity.

New South Wales under Labor has no vision, no ambition and no State trade target. Labor has decreased Investment NSW's directly facilitated trade goal to just \$120 million. Similarly, the Innovation Blueprint is still yet to materialise, though I hear that many amended drafts have been sent around to external organisations to view since at least \$130,000 was spent on its development in September. It may be imminent, and we continue to wait in anticipation. Further, major agency new initiative funding is declining under Labor, including investment in cybersecurity and digital government. The lack of focus on developing a vibrant, agile and ambitious economic

future is concerning. While the world rushes ahead, New South Wales could be doing so much more to be a competitive and reliable partner for business and economic growth.

In an era of unprecedented industrial relations and technological change, the public's view of business as trustworthy is paramount. We know that public trust in institutions is falling. We know that social divisions are emerging, and that algorithms and economic disparity are segmenting us into clearer demographic silos. Ultimately, we need to be able to address and overcome these challenges together if we want a safe and prosperous future. It is not rocket science. A business community that has the opportunity to align with the social and economic outcomes that the public want and need, expressed in the governments they elect, gets us to a place of improved cohesion and growth.

### ANIMAL EXPERIMENTATION

**The Hon. EMMA HURST (22:25):** In the long history of the animal protection movement, some of the earliest campaigns were against vivisection, where animals are dissected live and operated on, fully conscious, for research. It is horrible to think about. Although campaigns and reforms have come a long way since then, these kinds of gruesome experiments are yet to be fully relegated to history. Animal experimentation is still a modern-day horror for millions of animals in Australia every year. The Animal Justice Party is fighting to change that.

At our 2022 upper House inquiry into animal experimentation, whistleblowers exposed what is really happening behind closed doors in animal experimentation facilities. They told us about animals having their tails and toes cut off without pain relief, that procedures were being performed without anaesthesia and that mass killings were taking place after the over-breeding of animals. Every witness that came to that inquiry agreed that no-one wants to use animals in experimentation and that funding and resources need to be put towards finding alternatives so we can move away from the use of animals in experimentation. Despite that, Macquarie University recently announced a \$41 million project to rebuild and scale up its animal research facilities. The complex will reportedly house 3,000 rodents and 20,000 fish.

It is shocking that a university would take such a monumental step backwards with an enormous investment that favours cruelty and goes against all recent scientific and social findings that we need to be moving away from animal research. As a result of what came to light from our inquiry, the Animal Justice Party secured \$7 million in government funding to get animals out of research. This includes \$4.5 million towards developing non-animal alternatives, which has been used to establish the Non-Animal Technologies Network, and \$2.5 million for rescue shelters working to rehome animals used in experimentation.

Around the world, countries, universities and big pharma are moving away from antiquated animal experimentation and embracing modern, cheaper, more efficient and advanced technologies that do not use animals. The shift to non-animal alternatives makes sense from every angle. It eliminates animal suffering and cruelty. It produces faster and more accurate outcomes for human health, and it can achieve more compared to outdated methods of animal research. The science is clear: Animal experimentation is on the way out. Macquarie University had the opportunity to position itself as a leader in cutting-edge innovation but, instead of investing in future-focused scientific development, it has chosen to buoy the increasingly outdated practices of animal experimentation.

But Macquarie University is an outlier. In the United States, the Food and Drug Administration Modernization Act now permits modern and human-relevant methods to replace less effective animal use, and has established a national centre for advancing new human-based methodologies. In the European Union, the European Parliament passed a resolution calling for an action plan to end the use of animal experimentation and to accelerate funding for non-animal technologies. In 2024 the United Kingdom Government pledged to double the funding and develop a plan to speed up the replacement of live animals in experimentation.

The movement to get animals out of research is gaining momentum fast, and we are also taking strides in New South Wales. In 2022 I assisted in passing right-to-release laws so that dogs and cats have the right to be released and given the chance to find a loving home. Before that, cats and dogs were often killed at the end of experimentation even if they were healthy because researchers were worried that, if animals were released, they would face public scrutiny for using cats and dogs in the first place. Last year the Animal Justice Party also passed a bill that outlawed the use of two exceptionally cruel and outdated experiments: the forced swim test and the forced smoking experiment. That is a major win for rats and mice, and for human health, as we move towards more reliable methodologies. It also makes New South Wales the first jurisdiction in the world to outlaw those cruel experiments.

But we have a long way to go. This is what the animal experimentation industry does not want you to know: Animals are being strangled to induce traumatic brain trauma; primates are bred in New South Wales and

rented out for medical experimentation; and taxpayers' money is being used to fund sadistic experiments instead of non-animal, humane alternatives that offer true hope for helping human wellbeing. The Animal Justice Party is committed to continuing to expose the industry and hold it to account to ensure that we transition into a safer, cruelty-free future without experimentation on animals.

**KELLIE GALE**

**The Hon. MARK BUTTIGIEG (22:29):** I take this brief opportunity to congratulate Kellie Gale, who is the United Services Union's executive secretary. She recently achieved the milestone of 30 years of service for that union. Kellie worked for the Municipal Employees Union before it was amalgamated with the Federated Clerks Union to become the United Services Union in 2003. Kellie is well known among the union and Labor movement as being an incredibly hardworking, always approachable person who goes above and beyond to help others. She has made a massive contribution to the union movement and, in particular, the United Services Union. I congratulate Kellie on that great length of 30 years service for the USU.

**The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine):** The time for the adjournment debate has expired. The House now stands adjourned.

**The House adjourned at 22:30 until Wednesday 12 February 2025 at 10:00.**